

**STRENGTHENING THE BORDER—FINDING THE  
RIGHT MIX OF PERSONNEL, INFRASTRUCTURE,  
AND TECHNOLOGY**

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**HEARING**

BEFORE THE

**SUBCOMMITTEE ON BORDER AND  
MARITIME SECURITY**

OF THE

**COMMITTEE ON HOMELAND SECURITY  
HOUSE OF REPRESENTATIVES**

**ONE HUNDRED TWELFTH CONGRESS**

**FIRST SESSION**

**MARCH 15, 2011**

**Serial No. 112–10**

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PRINTING OFFICE

72–220 PDF

WASHINGTON : 2012

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## **STRENGTHENING THE BORDER—FINDING THE RIGHT MIX OF PERSONNEL, INFRA- STRUCTURE, AND TECHNOLOGY**

**Tuesday, March 15, 2011**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 10:02 a.m., in Room 311, Cannon House Office Building, Hon. Candice S. Miller [Chairwoman of the subcommittee] presiding.

Present: Representatives Miller, McCaul, Quayle, Duncan, Cuellar, Jackson Lee, Higgins, and Clarke.

Also present: Representative Green.

Mrs. MILLER [presiding]. If I can turn my mic on, we will get it going on here this morning. It is still early. I would like to call the committee to order.

Certainly, first of all, let me just thank all of our witnesses sincerely, every one of you, for taking time today to provide the testimony that you are going to be providing to the committee and answering our questions very forthrightly. We are sincerely appreciative of that.

I want to say that the men and women of Customs and Border Protection have our Nation's gratitude so very, very much for all of the work that they do and they perform to keep our Nation safe.

Certainly, Major General Salazar, we had a chance to chat before we opened the hearing. We appreciate so much all the work that the men and women in the National Guard all across our country, engaged in theater. I mentioned to you my husband spent many, many years in the Air National Guard, a blue suiter—but we are very appreciative of the work that they do everywhere and work that they are doing to work so closely with CBP in securing our Nation's border today. We will be interested in hearing about that.

Our first hearing, actually, examined the concept of operational control of the border. We tried to define what operational control is and the matrix that we are utilizing to determine what operational control is of both the Southern border and the Northern border and, I think, the difference between what the American people commonly think when they hear the term “operational control” and then what the Border Patrol means when they say “effective control.”

This hearing determines and tries to build on that discussion by examining the three main pillars that allow Border Patrol agents

to be effective. That, of course, is a combination of personnel, infrastructure, and technology. I think we certainly need all three to be successful in securing our borders.

Since the year 2004 we have invested literally billions of dollars in every one of these categories, all three of the categories. But we want to look at how they work in concert to enable our agents to be effective. Today we are going to look at the level of agents that we have in the field, the amount of fencing that we have, infrastructure, and perhaps certainly one of the most critical elements, and that is how we are utilizing technology as well along our borders.

The Secure Border Initiative Net, *SBI<sub>net</sub>*, as everybody calls it, was designed to be one of the solutions, technology solutions to help secure the Southwest border. It has been used as well on the Northern border, but after a number of years of missteps and we didn't get what we wanted to out of the *SBI<sub>net</sub>*, and as well we expended over \$1 billion, the Secretary of Homeland Security, Janet Napolitano, decided to cancel this program after the completion of an analysis of alternatives, which determined that *SBI<sub>net</sub>* was just not economically feasible.

So the logical question is, and one of the things that I hope we get to today, is what is the follow on? What is the follow on to *SBI<sub>net</sub>*? If not *SBI<sub>net</sub>*, then what is next if, you know, we can't put enough agents on the border, we can't put up enough fence to provide the level of security on the very vast Southwest border, and certainly the Northern border, that is required to protect our sovereignty and to meet the demands of the American people? So, technology has to become a force multiplier, a force multiplier to support the incredible efforts, again, of our brave border agents.

In fact, I think that is what the Border Patrol envisions—utilizing technologies to reduce the workload, to make them more effective for the men and women in the field as well as to enhance their effectiveness in identifying, apprehending, whether it is drug smugglers or illegal immigrants, who might only seek economic opportunity, but as well potential terrorists and others, who would seek to cross the border illegally.

The Department of Homeland Security's Analysis of Alternatives, which formed a new technology plan for the State of Arizona, consists of a combination of Remote Video Surveillance Systems, Mobile Surveillance Systems, Unattended Ground Sensors and other types of technology. The backbone of the Arizona plan actually consists of Integrated Fixed Towers, which look very similar to the original design of *SBI<sub>net</sub>*.

However, it now appears that the technology plan for the entire Southwest border currently being prepared will not be ready until July instead of March, as we had originally hoped.

I am concerned about the lack of a comprehensive technology plan as well for the Northern border, which does not appear to be something that CBP is considering at this time. I just would once again, and I always say that I am totally cognizant and very sensitive to all of the challenges that are happening on the Southern border of our Nation, but I like to remind folks we actually have two borders, so the Northern border as well. Both of them need to be secured.

To fund this new technology plan, the President's fiscal year 2012 budget included \$242 million in the border security fencing infrastructure and technology account, which will be used to deploy the first three of five total, as I understand it, Integrated Fixed Tower System deployments to Border Patrol stations' areas of responsibility in Arizona.

Unmanned aerial systems are another critical tool employed by CBP Air and Marine, which gives the agents the ability to loiter over an area for long periods of time, making this platform ideal for the surveillance missions required by the Border Patrol. As well, I am a very strong supporter of using UAVs—I know my colleague, Mr. Cuellar, is as well—and, you know, which have proven to be so effective in theater in Iraq and Afghanistan to scale a vast expanse of the borders.

Infrastructure is also critically important to our success in gaining control of the border. Like technology, it is not a solution by itself, but provides what the Border Patrol calls persistent impedance, which either pushes illegal crossers into more remote areas or gives Border Patrol agents more time to respond.

I think we will be asking the question: Do we need more fencing, or is 350 miles of pedestrian fence and 299 miles of vehicle fence along the Southwest border adequate? Again, these are some of the questions that the committee is seeking to have answered today.

Finally, the National Guard has been surged to the border several times since 2006, to perform a variety of missions. However, I am very concerned that the National Guardsmen and women are possibly constrained by DOD regulations. We don't want it to be an exercise in good optics, obviously, to say that we are sending all these National Guard troops to the border, but then limiting their ability to actually do the job that they have been trained to do and are able to do so effectively and so well.

So we just want to certainly make sure that the Congress is assisting and enabling the National Guard to be able to do the job that they need to do along the border.

Of course, I would point out that each and every mile of border is different. I am certainly cognizant again of the fact that it will take a combination of technology, personnel, and infrastructure to secure the border. There is no one-size-fits-all solution for a border as vast and different, certainly, as ours.

Again, I want to welcome all of the witnesses. I look forward to all of your testimony today.

At this time the Chairwoman would recognize the Ranking Member, Mr. Cuellar.

Mr. CUELLAR. Thank you very much, Madam Chairwoman.

I want to thank the witnesses for being here with us.

I think we both agree that we are at a very important stage in our Nation's efforts to secure our borders. As border security threats are continuing to evolve and our country is facing new challenges that demand new resolutions, we must be at the forefront of all measures to secure and protect our homeland, including our many points of entry and exit on the Northern and Southern border.

At our Northern and Southern borders, we have taken critical steps to interdict the flow of illegal weapons, people, drugs, and

cash, but more work needs to be done. Chairwoman Miller and I both represent districts along our Nation's border, and I know we have several issues of mutual interest.

Communities along our Nation's border and coastal areas face a unique exposure to threats that concern all of us. In the 28th District of Texas, which I represent, we have first-hand knowledge of all the challenges along the Southern border and the importance of providing the tools necessary to enhance border security.

I believe strongly that technology and personnel play vital roles in securing America's borders. DHS has increased its efforts in recent years to enhance border security, and we, both Democrats and Republicans, have provided the resources necessary to help us just do that.

Since 2007 Congress has continued to increase border security funding. As a result CBP now has over 20,000 Border Patrol agents, more than 20,000 CBP officers at ports of entry and pre-clearing stations, and over 1,000 air marine pilots and vessel operators. Throughout the work of this committee, Congress has also provided funding to enable DHS to deploy technology in their security effort.

I am particularly interested in receiving an update on CBP's use of unmanned aerial systems and how this technology will be utilized in the future in securing the borders. We must continue to mitigate border threats by deploying a combination of manpower, technology, and resources to enhance our strategy for securing our borders. I am interested in hearing from our witnesses about how they believe we can achieve this important goal.

However, I do want to remind everyone here that our discussion about border security, we cannot continue to overlook the importance of our land ports of entry, which plays a vital role in combating the flow of illegal weapons, drugs, cash, human smuggling, while facilitating legitimate trade and travel.

CBP reports that on a typical day officers at the ports of entry process 956,000-plus passengers and pedestrians and 64,000-plus trucks, rail, and sea containers. We cannot achieve effective control of our borders if we do not provide the needed resources to the ports of entry to enhance security and facilitate commerce.

Madam Chairwoman, I look forward to continue to work with you on this issue.

I also thank the witnesses for joining us today.

Thank you.

Mrs. MILLER. Thank you very much.

Other Members of the committee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

PREPARED STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

MARCH 15, 2011

In January, after over 4 years and nearly a billion dollars spent, Secretary of Homeland Security Janet Napolitano canceled the *SBI<sub>net</sub>* program.

Like the Department of Homeland Security's previous attempts to deploy a "virtual fence" along the Southwest border, the program never lived up to its billing.

Technology problems, integration challenges, and management deficiencies plagued the program from its inception.



With so little return on the taxpayers' investment, I wholeheartedly agreed with Secretary Napolitano's decision not to continue to deploy *SBI<sub>net</sub>*.

However, I am concerned that there are some striking similarities between the Department's new plan for border security technology and *SBI<sub>net</sub>* and its predecessors.

It is my understanding that the new Arizona Technology Plan calls for an integrated system of towers mounted with cameras and radars, as well as Remote Video Surveillance Systems, Mobile Surveillance Systems, and Unattended Ground Sensors.

Is my further understanding that the Arizona Technology Plan comes with a price tag of several hundred million dollars.

All of this sounds very familiar.

We have been told that this time, technology is being selected considering operational needs and cost-effectiveness.

Again, that sounds familiar, since DHS made similar promises when *SBI<sub>net</sub>* was launched.

Make no mistake—I do not oppose the use of technology to secure our America's borders.

To the contrary, I believe technology is an essential complement to Border Patrol agents, Customs and Border Protection officers, Air and Marine personnel, infrastructure, and other resources.

But technology must be both proven and cost-effective if DHS is to avoid repeating past mistakes yet again.

I am interested in hearing from our witnesses about how the new plan for border security differs from its predecessors, and how the Department will ensure this technology succeeds where others did not.

DHS must do more than just put a new brand on the old way of doing things.

It is my hope that under Secretary Napolitano's leadership, they will get it right this time.

With respect to personnel, Customs and Border Protection has some of the finest agents and officers not only within DHS, but across the Federal Government.

They work along the front lines of our Nation's borders, often under difficult and dangerous conditions, and we appreciate the work they do.

As CBP has grown and the situation along the Southwest border has intensified, the men and women that comprise its ranks face new and more difficult challenges.

Specifically, today I would like to hear from Chief Fisher about how the Border Patrol has been affected by its rapid expansion in recent years.

I would also like to hear from General Kostelnik about what personnel challenges his agency is facing.

Finally, I want to reiterate my support for a comprehensive border security strategy as a means for achieving border security.

There is no single strategy setting forth how the relevant agencies are going to work together to secure America's borders.

Given the number of agencies that play a role in this effort, such a strategy is essential.

Again, I urge the Department to work with its Federal counterparts and other border stakeholders to develop such a plan.

I thank the witnesses for joining us today and I look forward to your testimony.

Mrs. MILLER. We are again pleased to have a very distinguished panel of witnesses before us today on this important topic. I think what I will do is read your bios, and then we can just go on to the questions.

First of all, Chief Michael Fisher, who has been before this committee before and appreciate him coming back, was named chief of the U.S. Border Patrol in May of last year. Chief Fisher started his duty along the Southwest border in 1987 in Arizona.

He successfully completed the selection process for the Border Patrol tactical unit in 1990 and was later selected as field operations supervisor for the tactical unit assigned to El Paso, Texas, for 4 years. Following this, he served as the deputy chief patrol agent in the Detroit sector and as an assistant chief patrol agent in Tucson, Arizona.

Mark Borkowski became the assistant commissioner for the Office of Technology Innovation and Acquisition with U.S. Customs and Border Protection of the Department of Homeland Security in July 2012—excuse me, 2010. He is responsible for ensuring technology efforts are properly focused on mission and well integrated across CBP and for strengthening effectiveness in acquisition and program management.

Prior to his appointment as assistant commissioner, Mr. Borkowski was the executive director of the Secure Border Initiative program executive office and was responsible for the implementation of SBI at the U.S. Customs and Border Protection.

Michael Kostelnik is the assistant commissioner, U.S. Customs and Border Protection Office of Air and Marine. Office of Air and Marine is the world's largest aviation and maritime law enforcement organization. The Office of Air and Marine is also the most experienced operator of Unmanned Aerial Vehicle systems—unmanned aerial systems in the homeland security missions on the world stage.

The mission of the Office of Air and Marine is to protect the American people and the Nation's critical infrastructure through the coordinated use of integrated air and marine forces to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illegal drugs, and other contraband toward or across the borders of the United States.

General Kostelnik spent more than 32 years on active military duty with the U.S. Air Force, serving as a fighter pilot flying F-4 and F-15 aircraft.

Major General Salazar assumed the duties as the adjutant general, Arizona National Guard, in December 2008 and concurrently serves as the director of the Arizona Department of Emergency in Military Affairs. Major General Salazar has worked as a full-time member of the Arizona National Guard for the past 18 years, received his commission from the Officer Candidate School at Fort Benning, Georgia, in 1983.

His military assignments include several command assignments, Arizona Joint Counter Narcotics Task Force, senior military advisor with the Multinational Security Transition Command Iraq, and deputy chief of staff operations for the Arizona Army National Guard.

As the commanding general for the Arizona National Guard, his duties and responsibilities include managing the day-to-day activities of the Arizona Army National Guard, Air National Guard joint programs in the emergency management division.

Richard Stana is the director of homeland security and justice issues at the U.S. Government Accountability Office. During his nearly 35-year career with GAO, he served in headquarters, field, overseas offices and has directed reviews on a wide variety of complex military and domestic issues. Most recently, he directed GAO's work relating to immigration and border security issues.

So again, gentlemen, the committee welcomes all of you this morning.

At this point the Chairwoman will recognize Mr. Borkowski, who will testify on behalf of the Department's witnesses.

**STATEMENT OF MICHAEL J. FISHER, CHIEF OF THE BORDER PATROL, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, ACCOMPANIED BY MARK BORKOWSKI, ASSISTANT COMMISSIONER, OFFICE OF TECHNOLOGY INNOVATION AND ACQUISITION, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY, AND MICHAEL C. KOSTELNIK, ASSISTANT COMMISSIONER, OFFICE OF CBP AIR & MARINE, U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF HOMELAND SECURITY**

Mr. BORKOWSKI. Thank you, Madam Chairwoman.

Chairwoman Miller, Ranking Member Cuellar, distinguished Members of the committee, on behalf of the Department of Homeland Security, thank you for this invitation to testify. I will be joined by my colleague, General Kostelnik, who was our assistant commissioner for the Office of Air and Marine, and Chief Fisher from the Border Patrol, but I will give one statement for all of us. We have submitted a detailed written statement, and I will summarize that on all of our behalf.

First of all, I think as you characterize it, Madam Chairwoman, Ranking Member Cuellar, Customs and Border Protection is the agency responsible for security at our borders, or very close to the border. That is the mission that we perform. The men and women of Customs and Border Protection are very proud of that mission, are very dedicated to that mission.

As you also noted, we have over the last several years significantly increased the resources applied to that mission. Ranking Member Cuellar, you mentioned the 20,700 Border Patrol agents, for example, which is more than twice what we had in 2004. Madam Chairwoman Miller mentioned the 649 miles of fence, combined pedestrian and vehicle.

In addition to resources we have applied a lot of effort in doing things more smart—for example, collaboration. Many of you are probably familiar with the Coalition on Transnational Terrorism, which includes 60 stakeholders, including our Government, the Mexican government, Federal, State, local, Tribal stakeholders.

We have created a joint force command in Arizona so that within the CBP we now have a field commander—not in Washington, but in the field—who can make decisions about the use of CBP resources. So we have applied resources. We have changed our ways of doing business. We believe that those have already shown effects.

One of the ways we measure that is by apprehensions. I think most of you are aware that over the last 2 years, apprehensions on the Southwest border have decreased by a very significant 36 percent and in fact are only a third of what they used to be years ago at their peak.

Apprehensions, we believe, are a measure of the activity on the border. They do measure the flow, so we are quite clear that that also indicates that the flow of traffic between the ports of entry has declined.

Last year we seized \$147 million of currency both between and at the ports of entry. That is a 34 percent increase from the pre-

vious year. We seized 4.1 million pounds of narcotics. So we think we have been increasingly effective.

Now, notice I said that carefully—"increasingly effective." That does not mean we are completely done with the mission. It does not mean we are where we would like to be. We recognize we have more work to do.

One of the ways we think we get to that, as you have both alluded, is with the application of technology. You have suggested what the role of technology might be. I believe we are focused at this point between the ports of entry, but you have also noted, I think quite appropriately, that there is technology at the ports of entry, above and below the ports of entry, and the border.

But for the purpose of this discussion, let us start with technology between the ports of entry. I think we are all familiar with the Secured Border Initiative Network program, the *SBI<sub>net</sub>* program, which was at one point intended to be the backbone of our technology. As you also suggested, we have had a series of problem with that. It is much behind schedule, much over cost, and we have lost confidence in the *SBI<sub>net</sub>* program.

The Secretary conducted an assessment of that program and has concluded it does not make sense to continue it. In fact, the *SBI<sub>net</sub>* program, the whole concept of a backbone, seems inappropriate. What seems more appropriate is a tailored mix of technologies that are currently available to the border.

The Secretary conducted the assessment with, among other things, an analysis of alternatives. You are going to hear a lot, I think, about analysis of alternatives. It is a certain term of art.

One thing, I think, we need to be clear about is an analysis of alternatives is not in and of itself conclusive or determinative. It has uncertainties, but it is a very disciplined, structured process which frames decisions. The decisions themselves are not from the analysis of alternatives. They are from the decision-makers to receive the analysis of alternatives. In that case, this is the Border Patrol.

So the Border Patrol decisions about technology and how it should be procured and used on the Southwest border were advised by this analysis of alternatives, but were actually made by that Border Patrol. I think it is important that we understand that as we go forward.

I should note, and I think you are aware, that GAO has been with us for the past several months, reviewing this. That review is not complete, and I understand we will talk about the status of it, but the work continues. We still have some differences in what our understandings of this are, although we have philosophical agreement on what an AOA is and how it ought to be used. But there is more work to be done.

I would just point out that we are in the process of making a bit of sausage, but in the end I am certain that it will be a sausage that is tasty and worthy, but we are not there yet, and I just think it is important to highlight that.

A couple of other things—we should recognize the Northern border. I know in particular, Madam Chairwoman, you are very familiar with the activities on the Northern border, the deployment of agents, the beginning of the application of technology along the St.

Clair River, along the Niagara River, the deployment of mobile surveillance systems. We are very much looking forward to joining you next week for the formal opening of the new operational integration center.

One thing I would point out about the Northern border is that we believe is a much different environment. I know that Chief Fisher is prepared to talk to you about that, but the way we look at the Northern border ought to be different from the way we look at the Southwest border. We look forward to pursuing that discussion as we go forward.

With that, thank you. We look forward to your questions.

[The joint statement of Mr. Fisher, Mr. Borkowski, and Mr. Kostelnik follows:]

PREPARED JOINT STATEMENT OF MICHAEL J. FISHER, MICHAEL KOSTELNIK, AND  
MARK S. BORKOWSKI

MARCH 15, 2011

#### INTRODUCTION

Chairwoman Miller, Ranking Member Cuellar, and distinguished Members of the subcommittee, it is a pleasure to appear before you today to discuss U.S. Customs and Border Protection's (CBP) efforts to secure our Nation's borders.

As America's frontline border agency, CBP is responsible for securing America's borders against threats, while facilitating legal travel and trade. To do this, CBP has deployed a multi-layered, risk-based approach to enhance the security of our borders while facilitating the flow of lawful people and goods entering the United States. This layered approach to security reduces our reliance on any single point or program that could be compromised. It also extends our zone of security outward, ensuring that our physical border is not the first or last line of defense, but one of many.

I'd like to begin by recognizing those at the Department who have given their lives in service to our mission. The loss of these brave agents is a stark reminder of the sacrifices made by the men and women of DHS every day. It also strengthens our resolve to continue to do everything in our power to protect against, mitigate, and respond to threats and secure our border.

#### OVERVIEW OF BORDER SECURITY EFFORTS

Over the past 2 years, the Department of Homeland Security (DHS) has dedicated historic levels of personnel, technology, and resources to the Southwest border. In March 2009, DHS launched the Southwest Border Initiative to bring unprecedented focus and intensity to Southwest border security, coupled with a smart and effective approach to enforcing immigration laws in the interior of our country. We increased the size of the Border Patrol to more than 20,700 agents today, more than double the size it was in 2004. DHS also quintupled deployments of Border Liaison Officers to work with their Mexican counterparts; and began screening Southbound rail and vehicle traffic to look for illegal weapons and cash that, when smuggled across the border, help to fuel the cartel violence in Mexico.

With the aid of the fiscal year 2010 Border Security Supplemental requested by the administration and passed by Congress, we are continuing to add technology, manpower, and infrastructure to the Southwest border, including 1,000 new Border Patrol agents; 250 new CBP officers at our ports of entry; improving our tactical communications systems; and adding two new forward operating bases to improve coordination of border security activities. The Supplemental also provided CBP two new Unmanned Aircraft Systems (UAS), further strengthening our UAS operations, which now covers the Southwest border from the El Centro Sector in California to the Gulf of Mexico in Texas.

We've also constructed 649 miles of fencing out of nearly 652 miles where Border Patrol field commanders determined it was operationally required, including 299 miles of vehicle barriers and 350 miles of pedestrian fence.

In addition, President Obama authorized the temporary use of up to 1,200 additional National Guard personnel to bridge to longer-term enhancements in border protection and law enforcement personnel from the Department of Homeland Security to target illicit networks' trafficking in people, drugs, illegal weapons, money,

and the violence associated with these illegal activities. That support has allowed us to bridge the gap and hire the additional agents to support the Southwest Border, as well as field additional technology and communications capabilities that Congress so generously provided. Secretary Gates and Secretary Napolitano agreed to equally fund this National Guard support and submitted two reprogramming requests to Congress to that end. Congress did not approve the reprogramming requests; therefore, the Department of Defense has been funding the full cost of this National Guard support.

Beyond these measures, in recent months we have taken additional steps to bring greater unity to our enforcement efforts, expand coordination with other agencies, and improve response times. In February, we announced the Arizona Joint Field Command (JFC)—an organizational realignment that brings together Border Patrol, Air and Marine, and Field Operations under a unified command structure to integrate CBP's border security, commercial enforcement, and trade facilitation missions to more effectively meet the unique challenges faced in the Arizona area of operations. We also are improving coordination with military forces on the Southwest border. In partnership with the Drug Enforcement Administration (DEA), and with support from the Department of Defense, DHS is standing up the new Border Intelligence Fusion Section (BIFS) in the El Paso Intelligence Center, which will integrate and synthesize all available Southwest border intelligence from Federal, State, local, and Tribal partners to create a common intelligence picture to support border enforcement activities on the Southwest border. By disseminating real-time operational intelligence to our law enforcement partners in the region, BIFS will streamline and enhance coordinated Federal, State, local, and Tribal operations along the border. Additionally, we are continuing to work with Mexico to develop an interoperable, cross-border communications network that will improve our ability to coordinate law enforcement and public safety issues.

Moreover, CBP has increased partnerships with Federal, State, local, and Tribal law enforcement agencies, as well as with the public and private sectors, as coordination and cooperation among all entities that have a stake in our mission has been, and continues to be, paramount. CBP is working closely with Federal, State, local, Tribal, and international partners to increase intelligence and information sharing. A Processing, Exploitation, and Dissemination (PED) cell has been established at the Air and Marine Operations Centers (AMOC) in Riverside, CA and Grand Forks, ND to enable essential information to be provided to law enforcement across the Nation—increasing understanding of evolving threats and providing the foundation for law enforcement entities to exercise targeted enforcement in the areas of greatest risk. This intelligence-driven approach prioritizes emerging threats, vulnerabilities, and risks—greatly enhancing our border security efforts.

An example of our collaborative efforts along the Southwest border is the Alliance to Combat Transnational Threats (ACTT) in Arizona. ACTT is a collaborative enforcement effort, established in September 2009, that leverages the capabilities and resources of more than 60 Federal, State, local, and Tribal agencies in Arizona and the Government of Mexico to combat individuals and criminal organizations that pose a threat to communities on both sides of the border. Through ACTT, we work with our Federal, State, local, and Tribal law enforcement partners to increase collaboration; enhance intelligence and information sharing; and develop coordinated operational plans that strategically leverage the unique missions, capabilities, and jurisdictions of each participating agency. Since its inception, ACTT has resulted in the seizure of more than 1.6 million pounds of marijuana, 3,800 pounds of cocaine, and 1,000 pounds of methamphetamine; the seizure of more than \$13 million in undeclared U.S. currency and 268 weapons; nearly 14,000 aliens denied entry to the United States at Arizona ports of entry due to criminal background or other disqualifying factors; and approximately 270,000 apprehensions between ports of entry.

While there is still work to be done, every key measure shows we are making significant progress along the Southwest border. Border Patrol apprehensions—an indicator of illegal immigration—have decreased 36 percent in the past 2 years, and are less than a third of what they were at their peak. We have matched these decreases in apprehensions with increases in seizures of cash, drugs, and weapons. Additionally, in fiscal year 2010, CBP seized \$147 million in currency (inbound and outbound) at and between the ports of entry (POEs), a 34% increase from the previous fiscal year. CBP also seized 4.1 million pounds of narcotics, including 870,000 pounds seized at POEs, 2.4 million pounds seized between POEs, and 831,000 pounds seized by Air and Marine Interdiction Agents. These numbers demonstrate the effectiveness of our layered approach to security. Violent crime in border communities has remained flat or fallen in the past decade, and some of the safest communities in America are at the border. In fact, violent crimes in Southwest border counties overall have dropped by more than 30 percent and are currently among the

lowest in the Nation per capita, even as drug-related violence has significantly increased in Mexico.

Nonetheless, CBP still faces significant challenges. We remain concerned about the drug-cartel violence taking place in Mexico and continue to guard against spillover effects into the United States. We will continue to assess and support the investments in the manpower, technology, and resources that have proven so effective over the past 2 years in order to keep our borders secure and the communities along it safe.

#### TECHNOLOGY AND BORDER SECURITY

The Border Patrol utilizes technology for detection and surveillance between ports of entry, enabling CBP to maximize its effectiveness in responding to and disrupting illicit activity. In other words, technology enhances situational awareness of the amount and types of illegal activity at the border, enabling agents to spend more time responding to incursions and less time detecting them.

Along the Southwest border, the primary technology system has been the Remote Video Surveillance System (RVSS), a tower with a pair of day and night cameras, which are monitored by personnel in a given area. There are currently 250 of these systems deployed along the Southwest border. More recently, CBP has added other systems, including Mobile Surveillance Systems (MSSs), which are truck-mounted infrared cameras and radars displaying sensor information on an integrated display within the cab of the truck, and are considered one of the most technologically advanced ground-based systems. There are currently 38 MSSs deployed along the Southwest border. In addition, there are more than 130 aircraft (planes and helicopters) and 4 UASs deployed to the Southwest border. Among the aircraft deployed to the border are specialized, twin engine surveillance aircraft outfitted with a variety of sensors. Two additional Multi-role Enforcement Aircraft are scheduled to be delivered in May. These aircraft will provide robust capabilities for surveillance and interdiction support over both the land border and the maritime approaches. To increase effectiveness and enhance situational awareness, these various aviation resources are tied together by information sharing tools.

#### SBI*net* RE-ASSESSMENT

The Secure Border Initiative-network (SBI*net*) program, as conceived in 2005, was intended to cover the entire Southwest border with a highly integrated set of fixed sensor towers. Since its inception, however, SBI*net* experienced repeated technical problems, cost overruns and schedule delays which raised serious questions about the system's ability to meet the needs for technology along the border. Given these issues, in 2009, Secretary Napolitano asked CBP for an analysis of the SBI*net* program. Based on this analysis, Secretary Napolitano froze funding for SBI*net* beyond the on-going, initial deployments of Block 1 and ordered a Department-wide reassessment of the SBI*net* program that incorporated an independent, quantitative, science-based Analysis of Alternatives to determine if SBI*net* was the most efficient, effective, and economical way to meet our Nation's border security needs with respect to technology. The assessment focused on two fundamental questions: Whether or not the SBI*net* system was technically viable; and if SBI*net* was viable, whether it was cost-effective relative to other lower-cost technologies and systems which could provide needed surveillance capabilities.

The issue of viability was evaluated within the context of the initial SBI*net* configuration, known as SBI*net* Block 1, which has been completed in two areas of the Arizona border—Tucson-1 (TUS-1) and AJO-1. Although it is too early to quantify the effectiveness of the SBI*net* Block 1 technology, the qualitative assessments from the Border Patrol suggest that select elements of the technology such as sensor towers, integrated together to observe localized areas, enhanced operational capabilities in some parts of the border. In the case of TUS-1, the Border Patrol experienced improved situational awareness and increased apprehensions of illegal entrants when they first started using the system despite no apparent increase in illegal traffic. Over time, the Border Patrol observed a decrease in activity, and consequently, realized a fewer number of apprehensions. It appears that the use of the TUS-1 system, combined with increased personnel and tactical infrastructure, contributed to decreasing the flow of illegal entrants and increasing the likelihood of apprehension.

To assess the cost-effectiveness of SBI*net*, DHS conducted an Analysis of Alternatives (AoA). In the AoA, DHS quantified relative effectiveness and relative costs of various technology solutions, and compared these measures for each option. The results of the AoA showed that the selection of technology for a given area of the border is highly dependent on the nature of that area (e.g., terrain, population density). Therefore, the SBI*net* concept of a "one size fits all" solution is not appropriate

across the entire border. In fact, the AoA suggested that the optimal technology deployment strategy would involve a mix of technologies tailored to each area of the border and based on the operational judgment of the experienced Border Patrol agents deployed in that area.

#### NEW TECHNOLOGY DEPLOYMENT PLAN

After completion of the AoA, CBP used the results to develop a detailed technology deployment plan for different border regions across Arizona based on current and anticipated operational activity. Accordingly, the new plan incorporates both the quantitative analysis of science and engineering experts and the real-world operational assessment of agents on the ground and in the air.

The new border security technology plan will utilize existing, proven technology tailored to the distinct terrain and population density of each border region, including commercially available MSSs, Unmanned Aircraft Systems, thermal imaging devices, and tower-based RVSSs. Where appropriate, this technology plan will also include elements of the former *SBI*net program that have proven successful, such as stationary radar and infrared and optical sensor towers.

This new technology plan will provide better coverage of the border, a more effective balance between cost and capability tailored to each area of the border, faster deployment of technology, more continuous and extensive surveillance of the Southwest border, and better linkage between operations and technology. Through investments in portable technology, the new plan provides flexible capabilities that will enable the Border Patrol to move and adapt to evolving threats. As part of the Southwest Border supplemental, CBP is developing new Mobile Response Teams to provide surge capabilities to send Border Patrol into a particular area of the border. The Department recognizes that, as we tighten the security of one area, our adversaries will attempt to find new routes in other areas. A more mobile and flexible response capability will allow us to move with the changes in illegal activity.

Based on the Border Patrol's assessment of priority needs and the Department's 2011 and 2012 budget requests, the Department intends to initiate procurements for the Remote Video Surveillance Systems and cameras, thermal imaging systems, Agent-Portable Surveillance Systems, imaging sensors, Unattended Ground Sensors, and Mobile Video Surveillance Systems in fiscal year 2011, with deliveries scheduled between 2011 and 2012. The integrated fixed towers will follow starting with procurements in early fiscal year 2012.

The Department does not intend to use the existing Boeing contract for procurement of any of the technology systems included in the new Southwest border technology plan. Going forward, the Department will conduct full and open competition for all elements of the new technology plan.

#### BUDGETING FOR THE NEW ARIZONA TECHNOLOGY PLAN

The budget for the Arizona technology investment plan will be managed by CBP as part of the existing Border Security Fencing, Infrastructure, and Technology (BSFIT) account. The budget line item is called "alternative border technology," and comprises the projects identified in the Arizona technology plan (e.g., Integrated Fixed Towers, Remote Video Surveillance Systems, Agent Portable Surveillance Systems).

The original fiscal year 2011 President's budget request for BSFIT technology was largely centered on the former *SBI*net plan. Recently, the Department provided to Congress a report outlining the results of the AoA, the resulting Arizona Technology Plan, and the termination of further *SBI*net investment. CBP recommended to Congress a revised fiscal year 2011 BSFIT spend plan that would re-allocate \$185 million for procuring the proposed technology systems covering all of Arizona, except for the Integrated Fixed Towers. The fiscal year 2012 President's budget request will allow for the deployment of Integrated Fixed Towers to Nogales, Douglas, and Casa Grande Stations, and these new resources combined with the fiscal year 2011 funding will allow CBP to fully complete three out of five border areas in Arizona.

#### NEXT STEPS FOR TECHNOLOGY DEPLOYMENT

The Department is in the process of conducting the same type of analysis along the entire Southwest border as was conducted on the Arizona border. The next three focus sectors are El Paso, San Diego, and Rio Grande Valley. The initial Analysis of Alternatives for these three sectors is complete, and the Border Patrol operational assessment is currently underway.

Following these three high-priority sectors, the Department will complete the same process for the remaining sectors along the Southwest border. This will result in an optimum technology deployment plan for the entire Southwest border.



## FUTURE NORTHERN BORDER TECHNOLOGY DEPLOYMENTS

Over the past 2 years, we have made critical security improvements along the Northern border—investing in additional law enforcement, technology, and infrastructure. Currently, we have more than 2,200 Border Patrol agents on the Northern border—a 700 percent increase since 9/11—and nearly 3,800 CBP Officers managing the flow of people and goods across ports of entry and crossings. With Recovery Act funds, we are in the process of modernizing more than 35 land ports of entry along the Northern border to meet our security and operational needs. We have also deployed new technology along the Northern border, including thermal camera systems, Mobile Surveillance Systems, and Remote Video Surveillance System and recently completed the first long-range CBP Predator-B unmanned aircraft patrol that extends the range of our approved airspace along the Northern border by nearly 900 miles.

We have also expanded our strong partnerships with Federal, State, local, and Tribal agencies, as well as the Canadian government, in protecting our communities, borders and critical infrastructure from terrorism and transnational crime. CBP is working closely with the Royal Canadian Mounted Police (RCMP) and the Canada Border Services Agency (CBSA) to enhance coordination on port operations, conduct joint operations between POEs, and jointly deploy new technology. In conjunction with CBSA and RCMP, CBP recently announced the release of a joint border threat assessment, which provides U.S. and Canadian policymakers, resource planners, and other law enforcement officials with a strategic overview of significant threats—to include drug trafficking, illegal immigration, illicit movement of prohibited or controlled goods, agricultural hazards, and the spread of infectious disease—along the U.S.-Canadian border. To enhance cross-border security and increase the legitimate flow of people, goods, and services between the United States and Canada, last month President Obama and Prime Minister Harper of Canada jointly announced a new bi-lateral initiative, “Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness.” By increasing collaboration with Federal, State, local, and Tribal law enforcement agencies, and by working in concert with the Government of Canada, we can streamline our operations and utilize our resources in the most effective and efficient manner possible.

To continue to bolster our Northern border security efforts, our fiscal year 2012 budget request includes \$55 million to support investments in technology systems that address security needs for the Northern border maritime and cold weather environment, as well as innovative technology pilots. It will also deploy proven, stand-alone technology that provides immediate operational benefits. These demonstrations and deployments explore how best to integrate various border security organizations and mission operations in order to enhance border security in this challenging environment.

In the coming year, CBP plans to continue to expand joint operations by forming a joint command with the U.S. Coast Guard in the Great Lakes Region. The Air and Marine Operations Center (AMOC), which includes representatives from the U.S. Coast Guard, as well as other agencies, provides a comprehensive picture of the air environment in the United States. The AMOC can monitor violations of U.S. airspace, track potentially dangerous aircraft, and coordinate and direct an operational response. Our fiscal year 2012 budget request continues to strengthen the AMOC by fully incorporating the U.S. Coast Guard into AMOC management and decision-making, and expanding AMOC’s intelligence capability.

## CONCLUSION

Chairwoman Miller, Ranking Member Cuellar, and Members of the subcommittee, thank you for this opportunity to testify about the work of U.S. Customs and Border Protection. CBP is committed to providing our front-line agents and officers with the tools they need to effectively achieve their primary mission of securing America’s borders. We look forward to answering any questions you may have at this time.

Mrs. MILLER. Thank you very much, Mr. Borkowski.

The Chairwoman now recognizes Major General Salazar for his testimony.

Major General.

**STATEMENT OF MAJOR GENERAL HUGO SALAZAR, ADJUTANT  
GENERAL, ARIZONA NATIONAL GUARD**

Major General SALAZAR. Good morning, Chairwoman Miller, Ranking Member Cuellar, Members of the subcommittee. I have the privilege of being appointed as the adjutant general by my Governor, and I appear here this morning representing the 7,500 men and women in the Arizona National Guard as the adjutant general.

As everyone knows, the Arizona National Guard has a dual mission, State and Federal mission, but what I am here for this morning is to discuss another mission, which is the support that we provide our law enforcement agencies in the State of Arizona through two different missions, as you mentioned, Chairwoman Miller, as well as the Joint Counter Narcotics Task Force, which I will talk about briefly.

The National Guard—program was created in 1989. It authorizes up to 4,000 National Guard men and women to serve in support of law enforcement agencies. In Arizona that program is called the Joint Counter Narco Terrorism Task Force, which is a mouthful and will be referred to as JCNTF.

Since 1989 JCNTF has continued to provide mission support to law enforcement, providing a variety of different types of missions, which I will discuss briefly. We currently support over 30 law enforcement agencies and fusion centers, and we perform primarily linguist support, investigative analyst support, communications support, and the air and ground reconnaissance observation mission.

In JCNTF the Governor does have the ability to conform the State plan and prioritize the mission sets. In this case our Governor has directed that I shift as many resources available to form what we call the ground reconnaissance mission, and she considers that a high-value mission, and we will continue to do so as the resources become available.

Madam Chairwoman Miller, you mentioned Operation Jump Start. That was the first Presidential declared operation in 2006, 2008. In that particular mission there were 6,000 National Guard personnel authorized the first year, 3,000 the second year. Of that we received 40 percent of the workforce, and so we had a substantial number of National Guard personnel rotating through the State of Arizona for 2 years in support of the mission sets that were dictated by the Department of Homeland Security.

The primary missions that were provided there were entry identification teams, which are personnel on a high ground, basically, using different types of technology. There is always some type of technology with these entry identification teams, providing the eyes and ears for Border Patrol and communicating what we see through those agents as we see them.

These operations are always going for 24 hours, 7 days a week non-stop, and we rotate our soldiers and airmen through those positions. In addition to the entry identification teams in Operation Jump Start, there was quite a bit of maintenance and engineering and aviation support as well.

A second mission, which is the mission that we are currently performing, is called Operation Phalanx. This was authorized by the President in July of last year, with operations beginning on 1 Octo-

ber of last year. That mission is scheduled to end this June with operations basically ceasing the first or second week of June because of the funding.

The funding for Operation Phalanx was initially a program for \$135 million, and that number has been subsequently reduced to \$110 million. That authorized 1,200 National Guard personnel for the four Southwest border States.

Again, because of the prioritization, Arizona received in this case 46 percent of those forces, which equates to 560 personnel that we have had on the borders supporting Customs and Border Patrol, performing primarily entry identification teams, eyes and ears of 24 hours a day, 7 days a week, along with a variety of different entry identification positions in near proximity to the Arizona-Mexican border.

In addition to the entry identification teams, there is a small handful that provide camera support as well as intelligence analysis. But Operation Phalanx, the No. 1 priority is entry identification team observation again.

As the adjutant general, I am extremely proud of the support and demonstrated professionalism members of our National Guard provide law enforcement through the enduring—and during mission of the counter drug support program, Operation Jump Start, and Operation Phalanx.

The unique skill sets that the military brings to bear in support of law enforcement agencies is a force multiplier and enhances the operational capabilities of the law enforcement agencies we are supporting.

Rather than short-term missions like Operation Jump Start and Operation Phalanx, an argument can be made that the military support to law enforcement would be better served by increasing a sustained National Guard JCNTF program. This argument was reinforced in March 2009 and again in April 2010 by the Governor of Arizona, when she formally requested additional aviation and an increase in JCNTF of the President and the Secretary of Defense.

I appreciate the opportunity to be here this morning, and I am here today to invite your questions and comments. Thank you.

[The statement of General Salazar follows:]

PREPARED STATEMENT BY MAJOR GENERAL HUGO E. SALAZAR

MARCH 15, 2011

OPENING REMARKS

Chairwoman Miller, Ranking Member Cuellar, distinguished Members of the subcommittee; I am honored to represent the men and women of the Arizona National Guard. Since September 11, 2001, over 9,000 of our Arizona Soldiers and Airmen have been mobilized and served, or are currently serving in harm's way.

As you know, the National Guard has a dual mission and must be ready and capable of performing both its State and Federal mission. In addition to serving the Nation on a Federal deployment or mobilization, members of the National Guard also serve the State and as such, stand ready if called upon by the Governor when needed to assist in disaster response to protect the lives and property of the citizens of the State. As The Adjutant General of Arizona, I am a Federally recognized General Officer but also have the privilege of serving as a State employee appointed by our Governor to serve as the Director of the Arizona Department of Emergency and Military Affairs. Today, I appear before you in a State status representing the State of Arizona in my capacity as The Adjutant General and Director of the Arizona Department of Emergency and Military Affairs.

The dual mission and locality of National Guard forces located throughout our communities make us a viable option for assisting both our Nation and State in times of crisis. In addition to the mobilizations already mentioned, the last 5 years have included a response by the Arizona National Guard to two separate Presidential declarations to enhance the efforts of the Department of Homeland Security (DHS); specifically, U.S. Customs and Border Protection (CBP) with detecting and deterring illegal activity along our border with Mexico. I would like to take the opportunity today to address the role of the Arizona National Guard with respect to these efforts.

#### NATIONAL GUARD STATUS—STATE ACTIVE DUTY, TITLE 32, TITLE 10

Before discussing National Guard operations on the Southwest Border, it is important to note the various authorities that Soldiers and Airmen can operate under, as these directly impact mission sets, command and control, and ultimately organization readiness. There are three different statuses that a National Guard Service Member can operate under while performing military duties: "State Active Duty," "Title 32," or "Title 10".

Under State active duty status, the National Guard is, at all times, a State Government entity operating under the command and control of the Governor of Arizona and the Adjutant General. National Guard forces under State Active Duty are paid with State funds and perform duties authorized by the Governor and in accordance with State law. While National Guard forces are in a State Active Duty status, the Posse Comitatus Act (18 U.S. Code, § 1385), which restricts Federalized troops from performing law enforcement duties, does not apply because they are not under the command and control of the Federal Government. The Posse Comitatus Act, along with its supporting legislation and regulations, precludes Federal military forces from acting as a primary instrument of law enforcement. It has come to symbolize the separation of civilian affairs from military influence. Nonetheless, National Guard troops in a State Active Duty status may participate in law enforcement duties in accordance with the applicable provisions of State law and as directed by the Governor of Arizona.

The U.S. Constitution also authorizes the National Guard to operate under State control but in the service of the Federal Government—"Title 32". Title 32 of the U.S. Code, authorizes the use of, and provides Federal funds to National Guard forces performing a Federal mission while under the command and control of their respective Governor. For example, National Guard forces were deployed by Governors using Federal funds and in compliance with prescribed Federal operational standards to our Nation's airports following the terrorist attacks of September 11, 2001. Although, Federal appropriations were used to fund National Guard forces for a Federal mission, Posse Comitatus did not apply because National Guard forces were not under the command and control of the Federal Government, but rather with their respective Governors.

Title 32 funds are also provided to National Guard forces to prepare and train Service Members for Federal missions. Title 32 U.S. Code § 502(a) authorizes Federal funding for weekend drills and annual training assemblies to ensure unit readiness and military skill-sets. If National Guard forces are needed on a full-time basis, section 502(f) provides for funds in addition to those requirements under 502(a). When National Guard forces are under Title 32 duty status, section 502(f) of the same title provides for Federal funds to execute the Federal mission. However, while troops are executing their mission under 502(f), as a matter of fiscal policy, there is no requirement for those troops to attend their monthly unit training assembly each month or their 2-week annual training as provided for in section 502(a). A review of the fiscal policy under 502(f) is needed to grant Governors and Adjutant Generals the option of requiring Title 32 troops to attend the monthly training requirements under 502(a) to maintain unit readiness and not degrade military skill-sets.

A good example of requiring troops to attend drill while performing the duties as a full-time National Guard member is the Arizona National Guard's counter-drug program. Title 32 § 112 provides for the authorization and funding for the Joint Counter Narco-Terrorism Task Force, the Arizona National Guard's counter-drug program. Under this section, National Guard members may be ordered to perform full-time National Guard duty under section 502(f) of Title 32 to support the Federally mandated counter-drug program. However, section 112(b)(2)(A) requires National Guard members to also participate in the training required under section 502(a). This is to ensure that the use of units and personnel of the Arizona National Guard supporting the counter-drug program does not degrade the training and readiness of such units and personnel. This requirement recognizes the importance of

requiring National Guard members to continue to drill with their regularly assigned units so that the program does not degrade the readiness of each individual service member's assigned unit.

Finally, in addition to State Active Duty and Title 32 status, National Guard troops can also be in a "Title 10" status. National Guard troops under Title 10 U.S. Code are Federally funded and Federal controlled for National defense purposes. The Federal Government has the authority to "Federalize" National Guard forces to mobilize and deploy troops for Federal missions. These troops are commonly known to be in "Title 10 duty status," meaning that the President and the Federal Government solely command and control units under this title. This approach places the Federalized National Guard forces in Title 10 status under the Command and Control of the President, the Secretary of Defense, and a Combatant Commander. It severs the National Guard's relationship with its State Governor.

#### ARIZONA BORDER OPERATIONS—HISTORICAL PERSPECTIVE

Geographically speaking, Arizona has a total area of just over 113,998 square miles and is the sixth-largest State in the Union. With an estimated population of well over 6 million, Arizona is currently ranked as the second-fastest-growing State by the U.S. Census Bureau. Arizona shares 389 miles of international border with Mexico and has seven major Ports of Entry. Found between Arizona's ports of entry are a variety and combination of barriers that include pedestrian fencing, vehicle fencing, Normandy barriers, triple strand barbed wire fencing and cattle guard crossings located on Tohono O'odham Indian Reservation only.

#### JOINT COUNTER NARCO-TERRORISM TASK FORCE (1989—CURRENT)

Pursuant Title 32, section 112 of the U.S. Code, the National Guard Counter Drug program is authorized up to 4,000 National Guard members performing drug interdiction or counterdrug activities in all 54 States and territories. In Arizona, the State Counter Drug program is referred to as the Joint Counter Narco-Terrorism Task Force (JCNTF). JCNTF began operations in 1989 and is currently the third largest (behind California and Texas) of all National Guard counterdrug programs in the States and territories. The mission of the JCNTF is to provide military counterdrug and drug demand reduction support to local, State, and Federal law enforcement agencies and community-based organizations.

The JCNTF is currently staffed with 81 Army National Guard Soldiers and 46 Air National Guard Airmen totaling 127 personnel serving on Full Time National Guard Duty status in accordance with United States Code, Title 32, Section 112. These Soldiers and Airmen are assigned to National Guard units throughout the State and are authorized to perform "Support-Only" Counter Drug duties.

According to the President's budget request, the National Guard Counter Drug Program is expected to remain flat for fiscal year 2012, which, due to the rising cost of conducting business, continues to slowly reduce the support available to Law Enforcement agencies. Arizona's program has shrunk over the years from a program consisting of well over 300 personnel in the early 1990s to a program of approximately only 130 personnel today.

In fiscal year 2010, JCNTF's support to local, State, and Federal drug law enforcement agencies resulted in a total of \$7,025,300 in property, 801 weapons, 450 vehicles and \$39,634,210 in cash seized or recovered. In addition, 1,421 lbs of cocaine, 4.3 lbs of crack, 150 lbs of heroin, 131,221 lbs of marijuana, 726 lbs of methamphetamines and 20,044 marijuana plants were seized during operations supported by members of the Arizona National Guard serving on JCNTF.

The JCNTF currently provides Supply Reduction support to over 30 law enforcement agencies and fusion centers such as the Metro Intelligence Support and Technical Investigation Center throughout the State. Currently, approved JCNTF support missions include the following categories:

*Linguist Support (2a).*—Supports over 30 agencies with transcribing pre-recorded tapes and other Spanish media in direct support of criminal investigations.

*Investigative Case and Analyst Support (2b).*—Embedded analysts in law enforcement offices throughout the State of Arizona serve to improve information sharing between Federal, State, and local agencies; provide deconfliction of on-going narcotics investigations; result in better utilization of law enforcement resources; and enable supported agencies to affect accurate strategic analysis for key Southwest border initiatives such as Domestic Highway Enforcement.

*Communication Support (2d).*—Technical experts are assigned to law enforcement agencies such as the United States Customs and Border Protection at their stations along the international border and assist with command and control operations. This support requires the mastery of many complex monitoring devices, cameras,

ground sensors, and voice communication equipment and directly enhances officer safety in the field.

*Surface Reconnaissance (Nighthawk) (5a).*—JCNTF's ground reconnaissance teams support local, State, and Federal law enforcement agencies with uniquely suited advanced optical technology such as the FLIR RECON III system. These teams operate covertly in support of law enforcement in field conditions and provide military-specific skills to supported agencies' interdiction efforts against the flow of drugs that enter the United States between Arizona's Ports of Entry. Based on input from the Arizona Governor, the JCNTF is shifting available resources towards its ground reconnaissance mission in order to increase the footprint along the international border with what is a proven military unique skill-set. Over the past 12 months, we have added an additional Nighthawk team and will continue to shift JCNTF resources to this mission as resources become available. Since 1 October 2010, Arizona Nighthawk teams have been instrumental in the seizure of over 17,000 pounds of marijuana, 25 weapons, assorted confiscated equipment, and the apprehension of over 200 smugglers and undocumented aliens. When compared to the annual budget for the entire JCNTF program, this mission alone provides a complete return on investment for the operating cost of the entire 130 member task force.

*Aerial Reconnaissance (5b).*—JCNTF employs both the OH-58 helicopter and RC-26 fixed-wing aircraft as aerial observation assets. Arizona National Guard OH-58 helicopters are available to support law enforcement during both day and night operations using Forward Looking Infrared systems, thermal imaging reconnaissance, Aviator's Night Vision Imaging System, live video downlink and Nightsun illumination systems. The RC-26 aircraft is employed as a regional asset for high value counter-drug and narco-terrorism cases. This Air National Guard fixed-wing platform provides superior stand-off capability for covert operations. Both aerial assets provide enhanced officer safety, improved interdiction operations in remote drug corridors, and other forms of valuable aerial command and control capabilities.

*Demand Reduction Support (6).*—Drug Demand Reduction (DDR) teams work closely with community-based organizations and support the specific needs of local communities and school systems. All DDR efforts are focused on identifying, supporting, educating, and mentoring/coaching Arizona youth in collaboration with local community organizations.

#### OPERATION JUMP START (JUNE 2006—JULY 2008)

Operation Jump Start was a Presidentially-declared, 2-year, \$1.2 billion program spread across the four Southwest Border States. The mission required 6,000 Guardsmen the first year and 3,000 the second year. The Department of Homeland Security and Customs and Border Protection allocated forces based on their assessed needs that resulted with Arizona receiving 40% of the forces—the largest percentage of the four Southwest Border States. Guard members from 51 of the 54 States and Territories served in Arizona performing duties that included Entry Identification Teams, camera operators, logistical support, aviation support, and engineering support. During the first year of Operation Jump Start, an average of 2,400 National Guard personnel conducted operations in support of law enforcement efforts in Arizona. That number was reduced to 1,200 personnel the second year.

#### OPERATION PHALANX (JULY 2010—CURRENT)

Operation Phalanx authorizes 1,200 Soldiers and Airmen across the four Southwest Border States to support the Department of Homeland Security. Arizona was authorized 560 of the 1,200 personnel for the mission which equates to 46%. Operations began in Arizona on 1 Oct 2010 and plans are currently being finalized to end all operations in June 2011.

Like Operation Jump Start, National Guard personnel are funded under Title 32 § 502(f)—in accordance with the published Department of Defense order. The authorized missions for Operation Phalanx are: Overt Entry Identification Teams (EIT); Remote Video Surveillance System support; and Intelligence Analysts to support DHS. These mission sets were selected by DHS without input from the respective State Governor or Adjutant General and support was limited to only DHS Federal law enforcement agencies. The key differences between Operation Jump Start and Operation Phalanx are primarily in the total number of personnel authorized for the missions as well as the types of approved mission sets. Unlike Operation Jump Start where aviation and engineer support were significant, aviation and engineer support are not authorized for Operation Phalanx. Additionally, unlike Operation Jump Start, all National Guard personnel on orders in Arizona during Operation Phalanx are organic to the Arizona National Guard.

Of the 560 personnel authorized for Operation Phalanx in Arizona the majority of the personnel are tasked to support entry identification sites that operate on a 24-hour basis in close proximity to the Arizona-Mexico border. Due to the increased threat and violence along the International Border, Arizona National Guard personnel are armed and assume a higher arming status than similar missions during Operation Jump Start. Rules for the Use of Force have been clearly defined, published, and provided to each member on the mission. Two of the entry identification sites are supported with a Mobile Surveillance System provided by Customs and Border Protection. All entry identification team sites and camera support operations are conducted in the Tucson Sector of Customs and Border Protection.

Funding for Operation Phalanx was initially programmed for \$135 million but was reduced to \$110 million. The cost of Arizona's portion during Operation Phalanx is estimated at \$34 million through 30 June 2011.

During Operation Phalanx, Arizona initiated numerous cost-saving measures focused on a solid relationship with Davis Monthan Air Force Base, Fort Huachuca and law enforcement partners. Use of existing active duty installations for lodging and contracted apartments saved an estimated \$25,000 per day in lodging expenses. More importantly, it also bolstered force protection and increased the safety for Soldiers and Airmen. The relationship with law enforcement partners has been exceptional with a positive partnership at all levels. Border Patrol equipment (radios, vehicles, and thermal technology) has been entrusted with our National Guard Soldiers and Airmen to enhance operations. Additionally, using law enforcement provided equipment when available has resulted in significant savings to the Arizona National Guard.

One of the limitations of having personnel on orders during Operation Phalanx is a direct result of the type of funding source: Title 32, Section 502(f). Personnel on 502(f) orders with Operation Phalanx are not authorized, except under certain circumstances, to attend monthly drills at their parent Arizona National Guard unit. This creates a negative impact on unit readiness and especially when the individual volunteering to serve on Operation Phalanx is in a leadership position at his/her unit.

Throughout the duration of Operation Phalanx, the Arizona National Guard has supported the Department of Homeland Security in a commendable manner and the working relationship between National Guard and Law Enforcement has been nothing short of exemplary. Currently, Arizona National Guard plans are being finalized to end Operation Phalanx on 30 June 2011. To complete all administrative and logistical actions required, operations will effectively stop no later than the second week of June.

#### CLOSING REMARKS

As the Adjutant General of the Arizona National Guard, I am extremely proud of the support and demonstrated professionalism members of the National Guard have provided law enforcement agencies during Operation Jump Start, Operation Phalanx, and the long-standing State counter drug support program. The unique skill sets the military brings to bear in support of law enforcement agencies act as a force multiplier in their continued efforts to secure the international border and deter the flow of illegal drugs and associated violence along the border.

The Arizona National Guard's Joint Counter-Narco Terrorism Task Force has enjoyed a positive working relationship with local, State, and Federal law enforcement agencies for over 20 years. JCNTF soldiers and airmen are aware of the impact they are making in the counter drug and border security arenas, and individual readiness is enhanced from their experience performing real-world missions on a daily basis. This readiness makes our military units stronger and better trained for war-time missions.

The Arizona JCNTF is currently staffed with 127 personnel serving on Full Time National Guard Duty status. The military unique skill sets, training, and specialized equipment that Arizona National Guard members bring to the mission enhance the operational capabilities of the law enforcement agencies they support. Rather than short-term operations such as Operation Jump Start and Operation Phalanx, an argument can be made that military support to law enforcement efforts would be better served with an increase in funding to JCNTF. Increasing JCNTF support would allow law enforcement elements—potentially in all jurisdictions—to more effectively synchronize, plan, and integrate National Guard resources and personnel, knowing they will have a sustained and predictable level of support from JCNTF for an extended period of time. This argument was reinforced on 11 March 2009 and 6 April 2010 when, to support the growing instability along the Arizona-Mexico bor-

der, the Governor of Arizona formally requested additional aviation assets and an increase in JCNTF personnel of the President and the Secretary of Defense.

I appreciate the opportunity to be here today and invite your questions and comments.

Mrs. MILLER. Thank you very much, General.

At this time I recognize Mr. Stana for his testimony.

**STATEMENT OF RICHARD M. STANA, DIRECTOR, HOMELAND SECURITY AND JUSTICE, GOVERNMENT ACCOUNTABILITY OFFICE**

Mr. STANA. Thank you, Chairwoman Miller and Mr. Cuellar, for the opportunity to testify at this morning's hearing.

After over 4 years and \$1 billion, Secretary Napolitano in January ended the *SBI*net program as originally conceived, because it just doesn't meet cost-effectiveness and viability standards. In its place the alternative Southwest border technology program is one which I believe, Chairwoman Miller, you described in your opening statement and Mr. Borkowski will probably describe in greater detail in his question-and-answer period.

But it consists of RBSs, MSSs, underground sensors, handheld devices, and integrated fixed towers, which look an awful lot like the towers, or will probably look an awful lot like the towers, in the *SBI*net program.

For fiscal year 2011 DHS plans to use \$185 million of funds to begin the process of getting the non-towered technology buys done. This would be the RBSs, MSSs, underground sensors, handheld devices and so on. For fiscal year 2012 in the President's budget, CBP has requested \$242 million to fund the first three of five planned integrated fixed tower buys, okay, the first three sectors.

The fourth and fifth will be downstream. There will be a total of five for a total cost of about \$570 million. So all told, we are planning on spending about \$755 million in Arizona alone and would essentially leave a gap of about 62 miles on the Tohona O'odham nation, where none of this technology is likely to be fielded.

If funding is approved, the integrated fixed tower deployments in Arizona will likely begin in March 2013 and will likely be finished by 2015 or maybe early 2016. Then the process goes down the border until about 2021 or 2026, depending on which estimate we use. The whole border will be covered by the new technology deployment program.

Our work is on-going. We are doing the work for this committee and this subcommittee, and I would like to just share a few preliminary observations.

First, just to clarify things, the decision to cancel the *SBI*net program pertained to the now obsolete *SBI*net system. It did not pertain to the concept, or the underlying concept, of using fixed towers with cameras, radars that feed into a COP. That is likely still on the table, although it might not have the same configuration that the current system has.

Second, the contract was not canceled with Boeing, but rather its use will be limited to operation and maintenance on TUS-1 and AJO-1 and maybe some other tactical infrastructure needs. But the contract itself is still in place.



The second main point I would like to make is that *SBI*net capabilities are still in place and working in the TUS-1 and AJO-1 areas. Reports that we have had from the Border Patrol indicate that it is useful. It provides continuous surveillance and enhances the safety of the agents, because they can recognize threats that are close by and take appropriate action.

CBP plans to add a laser target finder, which now is available on MSS units to the *SBI*net towers, which the agents say they would find completely useful, and they would like to have them.

The third point is the technology deployments in Arizona were to be informed by an analysis of alternatives, or an AOA, that analyzed the cost-effectiveness of fixed, mobile, handheld and aerial components and a Border Patrol operational assessment, which Mr. Borkowski mentioned, to determine the appropriate mix of these technologies along the border.

Now, our work to date, which is not yet finished, has raised a number of questions regarding the technology deployment plans. First, it is not clear how DHS used the AOA and other inputs to inform the Border Patrol's operational assessments to determine the appropriate mix of technology plans for Arizona.

The AOAs did not show a clear-cut cost-effective technology alternative for any of the analysis areas, and Border Patrol judgment was very key in the final assessment. We have not been given access to the documents yet that would allow us to determine whether the appropriate judgments were exercised in arriving at the mix of technology to be fielded in the different sectors of Arizona. That is the key shortcoming at this point in our ability to analyze for you to what this new technology laydown really means.

The second thing, and I would like to turn attention to the AOA itself, and that is they did it rather quickly. It was limited in scope. It didn't consider a combination of technologies. It didn't consider certain technology solutions such as MSS units.

It didn't consider a baseline solution, nor does it consider the possibility of reducing Border Patrol assets and what additional strain there might be or need for technology solutions. So that is a shortfall of the AOA. Subsequent AOAs may consider those things.

Another point I would like to make is the Army Test and Evaluation Command was to independently assess the *SBI*net Block 1 capability to evaluate effectiveness and suitability. The results were not completed for the Border Patrol's technical analysis, the operational analysis which prescribed the laydown of different technology components, nor was it available for the Secretary's decision on whether to continue *SBI*net.

Moreover, if we are going to use a fixed tower system similar to that deployed in *SBI*net, the results of the ATEC review would be very informative for the people making these kinds of judgments.

I can answer other questions, you know, at the appropriate time, but in closing I would just like to say that the new alternative Southwest border technology plan is the fourth generation of camera tower and other technology systems that we have seen in the last 10 to 15 years or so.

The first three have not met with complete success, I think, to be kind. I think this time we ought to get it right with proper plan-

ning and proper analysis and judgment exercised. Thank you very much.

[The statement of Mr. Stana follows:]

PREPARED STATEMENT OF RICHARD M. STANA

MARCH 15, 2011

GAO HIGHLIGHTS

Highlights of GAO-11-448T, testimony before the Subcommittee on Border and Maritime Security, Committee on Homeland Security, House of Representatives.

*Why GAO Did This Study*

Securing the Nation's borders from illegal entry of aliens, contraband, terrorists, and weapons of mass destruction, is a long-term challenge. In November 2005, the Department of Homeland Security (DHS) launched the Secure Border Initiative network (SBInet)—a program which was to provide the Border Patrol, within DHS's U.S. Customs and Border Protection (CBP), with the tools to detect breaches and make agent deployment decisions by installing surveillance systems along the border. Alternative (Southwest) Border Technology is DHS's new plan to deploy a mix of technology to protect the border. This testimony is based on GAO's on-going work conducted for the House Committee on Homeland Security and provides preliminary observations on: (1) The status of SBInet and user views on its usefulness, and (2) the Alternative (Southwest) Border Technology plan and associated costs. GAO reviewed planning, budget, and system documents, observed operations along the Southwest border, and interviewed DHS officials.

*What GAO Recommends*

GAO is not making any new recommendations in this statement but has made prior recommendations to strengthen SBInet. While DHS generally agreed most information in this statement, it did not agree with GAO's observations on the AOA and the potential usefulness of ATEC's analyses. GAO continues to believe its observations are valid. DHS also provided technical comments which were incorporated, as appropriate.

BORDER SECURITY.—PRELIMINARY OBSERVATIONS ON THE STATUS OF KEY SOUTHWEST BORDER TECHNOLOGY PROGRAMS

*What GAO Found*

In January 2011, the Secretary of Homeland Security directed CBP to end the SBInet program as originally conceived because it did not meet cost-effectiveness and viability standards, and to instead focus on developing terrain- and population-based solutions utilizing existing, proven technology, such as camera-based surveillance systems, for each border region. According to DHS, the Secretary's decision on SBInet was informed by: (1) An independent analysis of alternatives (AOA) to determine the program's cost-effectiveness; (2) a series of operational tests and evaluations by the U.S. Army's Test and Evaluation Command (ATEC) to determine its operational effectiveness and suitability; and (3) an operational assessment by the Border Patrol to provide user input. The Secretary also stated that while the Alternative (Southwest) Border Technology plan should include elements of the former SBInet program where appropriate, she did not intend for DHS to use the current contract to procure any technology systems under the new plan, but rather would solicit competitive bids. SBInet's current surveillance capability continues to be used in Arizona. Specifically, there are 15 sensor towers (with cameras and radar) and 10 communication towers (which transmit the sensor signals to computer consoles for monitoring), currently deployed in the Border Patrol's Tucson Sector. In addition, on the basis of user feedback, the Border Patrol considers the current SBInet capability to be useful, including providing continuous surveillance in border areas where none existed before and enhancing agent safety when responding to potential threats. There are certain shortcomings including coverage gaps and radar performance limitations in adverse weather.

The Alternative (Southwest) Border Technology plan is to incorporate a mix of technology, including an Integrated Fixed Tower surveillance system similar to that used in the current SBInet capability, beginning with high-risk areas in Arizona. But, due to a number of reasons, the cost-effectiveness and operational effectiveness and suitability of the Integrated Fixed Tower system is not yet clear. First, the AOA cited a range of uncertainties, and it is not clear how the AOA analyses and conclusions were factored into planning and budget decisions regarding the optimal mix

of technology deployments in Arizona. Second, the ATEC independent analyses were not complete at the time of the Secretary's decision, thus any results on *SBI*net's operational effectiveness and suitability could not inform the decisions to proceed with the Integrated Fixed Tower system. The President's fiscal year 2012 budget request calls for \$242 million to fund three of five future deployments of the Integrated Fixed Tower systems in Arizona, although, depending on funding, the earliest DHS expects the deployments to begin is March 2013 with completion anticipated by 2015 or later. Consistent with its intent to solicit competitive bids, CBP has initiated a new acquisition cycle, asking industry for information about the commercial availability of the Integrated Fixed Tower system. GAO will continue to assess this issue and report the final results later this year.

Chairwoman Miller, Ranking Member Cuellar, and Members of the subcommittee: I am pleased to be here today to discuss the status of the Department of Homeland Security's (DHS) key technology programs for the Southwest border. The Secure Border Initiative Network (*SBI*net) technology program was intended to provide the Office of Border Patrol (Border Patrol) within DHS's U.S. Customs and Border Protection (CBP) with integrated imagery and related tools and information to detect security breaches and make agent deployment decisions by placing surveillance systems along U.S. borders, beginning with the Southwest border with Mexico. Since fiscal year 2006, DHS has received about \$4.4 billion in appropriations for SBI, of which it has allocated about \$1.5 billion for *SBI*net and \$2.9 billion for fencing and other tactical infrastructure along the Southwest border. In January 2010, DHS initiated an internal assessment of the *SBI*net program and, as discussed below, in January 2011 the Secretary of Homeland Security announced her decision to end the program as originally conceived because it did not meet cost-effectiveness and viability standards and proceed with a new technology program to secure the Nation's land borders.

The Department's new technology deployment plan is called Alternative (Southwest) Border Technology. Under this plan, DHS is to deploy a mix of technologies, including Remote Video Surveillance Systems (RVSS),<sup>1</sup> Mobile Surveillance Systems (MSS),<sup>2</sup> and hand-held equipment for use by Border Patrol agents. It also is to include a new Integrated Fixed Tower<sup>3</sup> system, similar to that currently being used in *SBI*net, which is slated for deployment along the border where the Border Patrol deems it appropriate beginning with five high-risk areas in Arizona at an estimated cost of \$570 million.

The Border Patrol is the Federal agency with primary responsibility for securing the border between the U.S. ports of entry.<sup>4</sup> CBP has divided geographic responsibility for Southwest border miles among nine Border Patrol sectors. Within CBP, the Office of Technology Innovation and Acquisition (OTIA) has been responsible for overseeing the *SBI*net program. DHS reports that the Southwest border continues to be especially vulnerable to cross-border illegal activity, including the smuggling of humans and illegal narcotics. CBP reported spending about \$3 billion to support the Border Patrol's efforts on the Southwest border in fiscal year 2010, and Border Patrol reported apprehending over 445,000 illegal entries and seizing over 2.4 million pounds of marijuana.

My statement today is based on preliminary observations and analyses from our on-going work regarding these programs and activities for the House Committee on Homeland Security. We plan to issue a final report on this work later this year. As requested, my testimony will cover the following issues:

1. The status of the *SBI*net program and user views on the usefulness of its technology, and;
2. The Alternative (Southwest) Border Technology plan and costs associated with these plans.

To conduct our work, we reviewed our prior reports on the *SBI*net program, analyzed documents such as system descriptions, acquisition plans and proposals, budg-

<sup>1</sup>An RVSS is a remotely controlled system of daylight and infrared cameras mounted to a permanent structure. The camera images are transmitted to and monitored and recorded at a central location.

<sup>2</sup>An MSS consists of camera and radar systems mounted on a truck, with images being transmitted to and monitored on a computer screen in the truck's passenger compartment.

<sup>3</sup>An Integrated Fixed Tower "system" consists of various components and program support activities. The components include fixed towers, sensors (cameras and radar), a data communications network, facilities upgrades, information displays, and an information management system. Program support activities include those performed to design, acquire, deploy, and test the system; and manage Government and contractor efforts.

<sup>4</sup>A Port of Entry is an officially designated location (seaports, airports, or land border locations) where CBP officers or employees are assigned to accept entries of merchandise, clear passengers, collect duties, and enforce the various provisions of CBP and related laws.

et requests and justifications, cost-effectiveness and system-effectiveness and -suitability plans and analyses. Further, we observed various types of technology operating at command centers at the Tucson Sector and its Tucson, Ajo, and Nogales stations. Also, we interviewed relevant DHS (Border Patrol, OTIA) and prime contractor<sup>5</sup> officials about matters such as the decision to end the *SBI*net program, its implications for the future of the program, cost-effectiveness and operational effectiveness and suitability analyses, and budget requests. We selected the Tucson, Ajo, and Nogales stations because they are located in high-risk areas along the Arizona border with Mexico and also because the Border Patrol has deployed various types of surveillance technology in these areas, including *SBI*net. We did our work for this statement from December 2010 to March 2011. We are not making any new recommendations in this statement but we have made prior recommendations to strengthen the *SBI*net program. While DHS generally agreed with the approach and status described in this statement, it did not agree with our observations on the AOA and the potential usefulness of ATEC's analyses to inform future technology deployment decisions. GAO continues to believe its observations are valid and will address these issues as our study proceeds. DHS also provided technical comments which were incorporated, as appropriate.

We are conducting our on-going work in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions, based on our audit objectives.

#### DHS HAS ENDED THE *SBI*net PROGRAM BUT NOT THE CONTRACT OR KEY TECHNOLOGY CAPABILITY WHICH USERS CONSIDER USEFUL

After an internal assessment initiated in January 2010, the Secretary of Homeland Security announced in January 2011 that she had directed CBP to end the *SBI*net program as originally conceived. According to DHS, the Secretary's decision was informed by an independent analysis of cost-effectiveness, a series of operational tests and evaluations, and Border Patrol input. The prime contractor is to continue limited performance under the *SBI*net contract using a 1-year option for *SBI*net operations and maintenance services in Arizona beginning on April 1, 2011, with a possible 6-month extension. Further, according to CBP and the contractor, following a March 2010 decision by the Secretary halting further deployment of *SBI*net beyond the Tucson and Ajo Border Patrol stations, no additional *SBI*net deployments are expected.

In addition, the Secretary's decision to end the *SBI*net program limited Block 1 deployments to the Tucson and Ajo stations in the Tucson Sector, but did not affect the current *SBI*net Block 1 capability, which was developed based on updated requirements from the Border Patrol. The Block 1 capability consists of 15 sensor towers (with day/night cameras and radar) and 10 communication towers, which transmit surveillance signals to the Common Operating Pictures (COP) at station command centers. This capability remains deployed and operational in Arizona, as part of the Border Patrol Tucson Sector's overall technology portfolio. According to contractor and Border Patrol officials, there were several original *SBI*net concepts that were not included in the Block 1 capability due to early design/cost trade-offs and Border Patrol agent feedback that they did not need them to perform their mission. Also, certain elements proved technically difficult and costly to include in the Block 1 capability. For example, the concepts to integrate transmissions from RVSS and MSS units into the COP, transmitting COP images into agents' laptops in their vehicles and tracking Border Patrol agent deployments on the geographic display were not included.

#### *OTIA and Border Patrol Consider Current SBI*net Capability Useful

OTIA and Border Patrol officials told us that the *SBI*net program's Block 1 capability has been useful since being deployed in February 2010 at the Tucson station and August 2010 at the Ajo station. For example, a shift commander at the Tucson station described the capability as considerably better than the technology that was available at the sector prior to the *SBI*net deployment. Further, according to COP operators in Tucson, the current *SBI*net sensor package is responsive to key mission

<sup>5</sup> On September 21, 2006, CBP awarded a prime contract to the Boeing Company for 3 years, with 3 additional 1-year options. As the prime contractor, Boeing is responsible for acquiring, deploying, and sustaining selected *SBI*net technology and tactical infrastructure projects, and for supply chain management for selected tactical infrastructure projects.

requirements by giving them the capability to achieve persistent wide-area surveillance and situational awareness.

Officials at Border Patrol headquarters stated that the Block 1 capability gave them a capability they did not have before. These officials also stated that, most importantly, the Block 1 capability helped them achieve persistent surveillance and situational awareness to enable an appropriate response to border intrusions and choose the location of interdiction, which they described as a tactical advantage. They also noted that the height of the towers allows for additional surveillance into terrain and brush thereby allowing the Border Patrol to shift personnel to gap areas where surveillance does not exist.

Other examples of system usefulness offered by Border Patrol officials included a centralized point of data integration (through the COP), increased probability of arrest upon detection (by controlling the point of interdiction by means of camera and radar), improved agent safety when responding to potential threats, verification of whether a ground-sensor indicated a threat or not, efficiency and effectiveness in directing agent responses, and a tiered deployment of technology. For example, at the Ajo Station, a Border Patrol official explained that tiered deployment included mobile technology units that are positioned at the border line, and Block 1 sensor towers that are deployed off the line where they can monitor intruders who might have eluded interdiction at the border.

The Secretary's January 2011 announcement also stated that the *SBI*net capability had generated some advances in technology that had improved Border Patrol agents' ability to detect, identify, track, deter, and respond to threats along the border. It further stated that the new border technology deployment plan would also include, where deemed appropriate by the Border Patrol, elements of the now-ended *SBI*net program that have proven successful.

On the basis of limited data, the operational availability of deployed *SBI*net components has been consistent with the relevant requirement that expects *SBI*net to be operationally available 85 percent of the time. According to prime contractor operations and maintenance statistics for a 1-week period in January 2011, *SBI*net in the Tucson and Ajo Stations was operational over 96 percent of the time. According to the contractor's logistics manager who oversees the operation and maintenance of *SBI*net, since the deployment is relatively recent, a full year's worth of data would be needed to make conclusive determinations about long-term operational reliability and identify areas of persistent problems. The times that *SBI*net was not available were due primarily to camera malfunctions and power failures.

According to Border Patrol and prime contractor officials, the *SBI*net Block 1 capability is receiving new features from the contractor in response to on-going user input and feedback. These features include adding an "eye-safe" laser target illuminator (the eye-safe feature minimizes the potential for injury to a person exposed to the laser), adding a "standby" mode to the radar (wherein scanning is suspended until needed), and integrating the next-generation unattended ground sensors<sup>6</sup> into the COP. However, this applies only to new sensors intended for Block 1—the Border Patrol has not selected a vendor for next-generation sensors for elsewhere along the border and outside of *SBI*net.

The usefulness of *SBI*net's Block 1 capability notwithstanding, OTIA and Border Patrol officials told us that it has certain shortcomings. These shortcomings include not having the mobility to respond to shifts in risk, facing terrain coverage (line-of-sight) gaps, some of which are mitigated through other technologies, and performing poorly in adverse weather. Further, according to OTIA, the *SBI*net capability as configured by the prime contractor is a proprietary and not an open architecture. Thus, it is unable to incorporate, for example, next-generation radar and cameras without significant integration work and cost.

In addition, the *SBI*net capability has been costly to deploy and maintain. Specifically, the total task-order cost for the Block 1 deployment in Arizona was about \$164 million. The operations and maintenance costs for the deployment are estimated to be up to about \$1.5 million per month, or about \$18 million per year.

ALTERNATIVE (SOUTHWEST) BORDER TECHNOLOGY IS SLATED FOR DEPLOYMENT, BUT COST- AND OPERATIONAL EFFECTIVENESS AND SUITABILITY OF THE INTEGRATED FIXED TOWER SYSTEM ARE NOT YET CLEAR

DHS is implementing a new approach for acquiring and deploying border security technology called "Alternative (Southwest) Border Technology" to replace the *SBI*net program. As part of this approach DHS is to deploy a mix of technologies, including

<sup>6</sup>Unattended ground sensors are sensors buried in the ground and are intended to detect motion and transmit a signal to a central monitoring location.

RVSS, MSS, and hand-held equipment for use by Border Patrol agents. It also is to include a new Integrated Fixed Tower system that is slated for deployment along the border where the Border Patrol deems it appropriate, beginning with five high-risk areas in Arizona at an estimated cost of \$570 million. While other elements of the plan may be deployed sooner, the deployment schedule for the Integrated Fixed Towers envisioned by OTIA and the Border Patrol is planned to begin in 2013, depending on funding availability. This plan suggests that OTIA and the Border Patrol have determined that the Integrated Fixed Tower system is a cost-effective solution in certain locations. However, due to the questions we have about how the Analysis of Alternatives (AOA)<sup>7</sup> analyses and conclusions were factored into planning and budget decisions, the basis for DHS's technology deployment plan is not yet clear. Further, the results of independent analyses were not complete at the time of the Secretary's decision to end the *SBI*net program, thus any results on *SBI*net's operational effectiveness could not inform the decisions to proceed with a possibly similar Integrated Fixed Tower system.

*DHS Implementing Broader Border-Security Technology Approach to Include Deploying a New Integrated Fixed Tower System*

According to the Border Patrol, its operational assessment for Arizona calls for deploying Integrated Fixed Tower systems to five high-threat areas in the State, beginning with the Nogales, Douglas, and Casa Grande Stations as part of this approach. These deployments will include 52 sensor towers, which is less than the 91 sensor towers envisioned under the original *SBI*net deployment plan. Border Patrol officials explained that they reviewed the contractor's original analysis of where to put the towers and determined that other solutions, such as RVSSs and MSSs, were more appropriate due to terrain and other factors such as population density.

According to OTIA and Border Patrol officials, depending on the availability of funding, the deployments of the Integrated Fixed Tower system component of the Arizona technology plan are expected to begin around March 2013 and be completed by the end of 2015 (or possibly early 2016), with other sector deployments sequentially following the Arizona sector. OTIA estimates that the entire Integrated Fixed Tower system acquisition for Arizona would cost about \$570 million, including funding for design and development, equipment procurement, production and deployment, systems engineering and program management, and a National operations center. In this regard, the President's fiscal year 2012 DHS budget request for BSFIT calls for \$242 million to fund the first three Integrated Fixed Tower system deployments for Arizona, which include 36 sensor towers.

Border Patrol officials told us that the existing *SBI*net capability and the requested Integrated Fixed Tower systems are intended to form the "baseline or backbone" of its evolving technology portfolio, where appropriate in high-risk areas in Arizona, with some exceptions. For example, in the urban areas of the Douglas and Naco Stations, RVSS units would likely be considered the backbone because they are better suited for populated areas where *SBI*net's radar capability is not as effective. A Border Patrol official said that Integrated Fixed Tower systems could be an important technology component in additional areas along the Southwest border, but that the agency had not yet made those determinations, pending the outcome of forthcoming operational assessments.

*DHS Has Initiated Actions to Acquire an Integrated Fixed Tower System Capability*

In one of its first actions following the Secretary of Homeland Security's announcement to end *SBI*net, DHS issued a Request for Information (RFI) in January 2011 to industry regarding the commercial availability of surveillance systems based on the Integrated Fixed Tower system concept, consistent with its stated intent to acquire future border technologies in its new plan through full and open competitions. OTIA and Border Patrol officials explained that the RFI would engender competition and better options for the Government, in terms of finding out about state-of-the-art industry capabilities and obtaining feedback on requirements to help refine them. However, they expect similar benefits in terms of capability, performance, and cost that such competition would yield, as compared to the *SBI*net Block 1 capability. For example, OTIA and Border Patrol officials acknowledged that the surveillance system sought by the RFI is essentially the same as the one deployed in Block 1 in terms of expected capability and performance in meeting operational and effectiveness requirements.

<sup>7</sup>The AOA process is a key first step in the acquisition process intended to assess the operational effectiveness, costs and risks of alternative system solutions for addressing a validated mission need.

In February 2011, DHS conducted an “Industry Day” to provide potential vendors with a better understanding of Border Patrol’s technology needs on the Southwest border and collect information about potential capabilities. During the session, DHS provided information on potential procurements for Integrated Fixed Tower systems and a range of other surveillance technology, such as RVSS and unattended ground sensors.

Following its information-collection activities, should DHS decide to move forward with requests for proposal for various types of technology, including the Integrated Fixed Tower system, these actions should be timed in such a way as to make maximum use of the results from the cost-effectiveness analyses discussed below. While the initial deployment actions will be in Arizona, it is envisioned that the contracts could be used to deploy technology anywhere on the Southwest border. However, to accomplish this, DHS will need to ensure that the requirements specified in the request for proposal are sufficient for deployment not just in Arizona but throughout the border.

*Use of Cost-Effectiveness Analysis for the Integrated Fixed Tower System Raises Questions*

According to OTIA and Border Patrol officials, the Secretary’s decision on the future of SBInet and the Integrated Fixed Tower system was informed by an AOA that analyzed the cost-effectiveness of four options—mobile (e.g., MSS), fixed (Integrated Fixed Towers), agent (e.g., hand-held equipment), and aviation (Unmanned Aerial Vehicles). On the basis of our review of available information about the AOA to date, there are several areas that raise questions about how the AOA results were used to inform Border Patrol judgments about moving forward with technology deployments, including the Integrated Fixed Tower system. As we continue our work for the committee, we plan to examine each of the following areas in detail to obtain additional insights into DHS’s decision making regarding the cost-effectiveness of a range of border technology options. Specifically,

- It is not clear how DHS used the AOA results to determine the appropriate technology plans for Arizona. For instance, the AOA identified uncertainties in costs and effectiveness of the four technology alternatives in each of the four geographic analysis areas, meaning that there was no clear-cut cost-effective technology alternative for any of the analysis areas. Yet, the AOA observed that a fixed tower alternative may represent the most effective choice only in certain circumstances.
- Because of the need to complete the first phase of the AOA in 6 weeks, the AOA was limited in its scope. For instance, the AOA did not consider the combination of technology approaches in the same geographic area and did not consider technology solutions, such as RVSS units. Urban areas were outside the scope of the AOA. Hence, it is unclear how DHS made decisions for proposed technology deployments in such areas. Further, the first AOA did not examine as an alternative the use of only existing Border Patrol equipment and agents without the addition of any new technology approaches. The AOA should have assessed the technology approaches based on the incremental effectiveness provided above the baseline technology assets in the geographic areas evaluated. According to study officials, the omission of a baseline alternative was corrected in the second AOA and did not change the conclusions of the first AOA.
- A more robust AOA could result in conclusions that differ not just in the Border Patrol sectors yet to be evaluated in future AOAs, but also in the Tucson and Yuma sectors considered in the first AOA. While the primary purpose of the second phase of the AOA was to expand the analysis to three additional Border Patrol sectors (San Diego, El Paso, and Rio Grande Valley), being able to conduct the analysis over several months allowed the study team more time to consider additional measures of effectiveness and technology options. DHS plans to conduct another AOA that would cover the remainder of the Southwest border. According to study officials, while the potential for different results existed, the results from the second AOA did not significantly affect the findings from the first AOA.

Further, we have questions about how the AOA analyses and conclusions were factored into planning and budget decisions regarding the optimal mix of technology deployments in Arizona. Specifically, according to OTIA and Border Patrol officials, the AOA was used to develop the Arizona technology deployment plan and related procurement plans and to provide cost data to be used for the Border Patrol’s operational assessment and the fiscal year 2012 budget request for Integrated Fixed Tower systems. However, because AOA results were somewhat inconclusive, it is not yet clear to us the basis for including three of the four alternatives in the manner prescribed in the budget request (the Unmanned Aerial Vehicle alternative was

not). For a program of this importance and cost, the process used to assess and select technology needs to be transparent. The uncertainties noted above raise questions about the decisions that informed the budget formulation process. We have not yet examined the Border Patrol's operational assessment to determine how the results of the AOA were considered in developing technology deployment planning in Arizona and, in turn, the fiscal year 2012 budget request.

*Independent Evaluation of Test Results to Determine Operational Effectiveness and Suitability Not Yet Completed*

The Army Test and Evaluation Command (ATEC) was to independently test SBInet's Block 1 capability and evaluate the results to determine its operational effectiveness and suitability (i.e., the extent to which the system fits its operational environment and is useful to Border Patrol to meet the agency's mission). Because the Integrated Fixed Tower system could be similar to the sensor towers and COP used in SBInet Block 1, the ATEC could inform DHS's decision about moving forward with technology deployments. However, the testing and evaluation was not complete at the time DHS reached its decision regarding the future of SBInet or requested fiscal year 2012 funding to deploy the new Integrated Fixed Tower systems, as discussed earlier. An initial briefing on the emerging results from the testing was provided to DHS on March 2, 2011, with a final report due sometime in April 2011.

As our work proceeds, we will further address the questions raised about the AOA process, the test and evaluation results, and CBP's proposed new acquisition strategy. We will also continue to assess the status of the SBInet program in light of the Secretary's decision and the actions emanating from this decision.

Chairwoman Miller, Ranking Member Cuellar, and Members of the subcommittee, this completes my prepared statement. I would be happy to respond to any questions you may have.

Mrs. MILLER. I thank all the witnesses for their testimony today.

I would just make an observation at the beginning of my questioning here. I will turn to myself, recognize myself to begin my 5 minutes of questioning. You know, this committee was formed, actually, after 9/11, and we have several pictures on the walls here of the Trade towers. We all remember that horrific day on 9/11.

Subsequently, the Congress formed this committee in a very challenging environment, trying to bring together under an umbrella various portions of different agencies, et cetera, et cetera. As we think about homeland security, a big part of that, of course, would be securing our borders.

I only mention that is why I always go back to the Northern border, because we have similar challenges, but unique challenges on both borders. On the Northern border, without quantifying it, certainly it is known that we have four to five times as many hits on the TIDEs list along the Northern border as what we have on the Southern border—so, as I say, a different type of challenge.

But along the Southern border, it seems to me that the complexion and the dynamics of what is happening on the Southern border is changing and has changed rather dramatically, particularly in the last several years, where perhaps before it was overwhelmingly illegal immigrants coming here for economic opportunity, et cetera. Now you have the spillover of the drug cartels.

To the extent that—I don't need to be alarmist here, but certainly it does seem to be almost a war zone situation in some areas. I would look for clarification on that.

But I mentioned the beginning of this committee, because I am not sure at what point the Department of Homeland Security and this Congress thinks about intermingling some of the budgetary requests from the Department of Defense and the Department of Homeland Security.



One of the things that we tried to do after 9/11 was share resources in the Operation and Integration Center, and I would like to get to that at some point, that we are going to be opening next week as a great example of that of all the various agencies, all the stakeholders sharing information, analyzing data, intel, et cetera, and getting it out into the hands of our stakeholders.

But, you know, we think about border security in theater, in Afghanistan, et cetera, and then we have our own border on the Southern border that we are having all of these challenges with. So I have a question for Major General Salazar.

I, and I think most people, were very, very enthusiastic about the President when he requested the National Guard along the border. I have been there. I have seen some of the things the Guard is doing, from putting up some of the fence to various things that has been happening with our men and women and our Guardsmen along the border there.

I am disappointed that the funding is going to run out in June. That is one of the things, I think, this Congress and this committee will be looking to think about what we really need to do with the National Guard. I am just wondering if you could flesh out a bit for us, first of all, the construct of the Guardsmen and women who are there.

I am not quite clear where they are all from, how they cycle through, the 2 weeks, 4 weeks, and various States that they are coming from. I ask that question in the context do you think it would behoove the Federal Government to mission the Guard in the various States to have border security as a part of their mission, where all States would participate in this type of thing?

A follow on to that question, one of the things, certainly in theater, that happens—I will tell you a bullet doesn't know if you are inactive duty or you are a Guardsmen. That is so, along our border as well, as you seek to be a force multiplier, I think, for the proud men and women in Customs and Border Patrol.

Do you think that the Customs and Border Patrol is armed properly? Do you think, for instance, a Stryker brigade would be advantageous along the Southern border and really utilizing various types of armaments that we do use in theater to secure that border against these drug cartels?

I know it is sort of a long question, but I am just trying to understand how the Guard is being utilized, how we can most effectively utilize the guard as we go forward, and perhaps other units of the military.

Major General SALAZAR. Chairwoman Miller, I will try to get all aspects of your answers there. Just as a point of order, we have not been—we, being the Arizona National Guard have not been building any fences since Operation Jump Start, which ended in 2008.

Like all these missions that we do in the National Guard, we do not dictate the mission sets that we provide. The Department of Homeland Security has always prioritized the mission sets. For Operation Phalanx and the counter drug program, the JCNTF program, neither of those operations have any kind of engineer or fence work that is part of their mission sets.

As for the question about how we organize, in Operation Phalanx, for example, we received what is called 502(f) Title 32 funding. Every person that is on the program is on the program for an extended period. They are on active duty orders serving the National Guard.

The one disadvantage with the type of funding we received for Operation Phalanx, which was the same type of funding we received for Operation Jump Start, is that those individuals that are serving on Operation Phalanx are not allowed to go to drill and perform the weekend drills. So when we have soldiers or airmen that volunteer for this mission, they no longer participate in their unit of assignment, which is a readiness issue.

The difference between that and JCNTF, because of the type of Title 32 Section 112 funding, does authorize those soldiers and airmen to continue participating in their unit, maintaining their readiness, both individually as well as the unit. So from that standpoint, there is a significant difference.

Having experienced Operation Jump Start, which is where we had units rotate through from all over the country, as opposed to Operation Phalanx, which is the current mission, where it is all being supported by Arizona National Guard personnel, financially it is an extremely more expensive operation to be rotating units through as opposed to the current mission of just using Arizona National Guard organic units.

Given the size and scope of the mission set, yes, we are pretty comfortable being able to field up to 500, 600 Arizona National Guard personnel on the border.

Mrs. MILLER. My time has expired, but just so I understand. So in Arizona the National Guard that is in Arizona, for instance, is only the Arizona National Guard. There are no other State National Guardsmen or women there.

Major General SALAZAR. Yes, ma'am. That is true. The 560 personnel that are currently serving on Operation Phalanx are all full-time National Guard, and they are all Arizona National Guardsmen.

Mrs. MILLER. Do you know if that is true in Texas as well? It would be just the Texas National Guard?

Major General SALAZAR. For Operation Phalanx, I do know that Texas, New Mexico, Arizona, California are all supporting that mission with organic National Guardsmen in that specific State. Operation Jump Start was significantly larger, and we were the one State that required outside support from other States.

Mrs. MILLER. Well, I appreciate that answer, because it does seem to me that other States should be assisting with this, because if you take that amount—I don't know what percentage that is—out of the Guards in the respective States, but that would definitely be a readiness issue for that particular State, where you have got sort of the big burden of the border protection, where you are protecting the border for the entire country.

That may be something that this committee and this Congress wants to look at. So I appreciate that.

I am over my time. We think we will have a second round of questions, but at this time I turn to my Ranking Member, Mr. Cuellar.

Mr. CUELLAR. Thank you very much, Madam Chairwoman.

In August 2010 we passed H.R. 6080, the 2010 emergency border security supplemental appropriation, which provided \$600 million to strengthen border security and to help reduce violence along the Southwest border. This funding allowed for the hiring of 1,000 new Border Patrol agents to be assigned to the Southwest border.

In order for us to provide our legislative oversight and to ensure that we appropriately are allocating resources to the areas that need the most assistance, I have asked CBP where these new border patrol agents would be assigned.

I am going to ask if they can put the chart up on the screen.

Members, I am going to give you a handout in a few minutes also that shows what is up there on the screen. Tucson, which is already the largest CBP sector with 3,361 agents in fiscal year 2010, will receive 500 new agents. El Paso, which is the second largest sector with 2,718 pages, will receive 187 new agents, which is the second largest allocation. The San Diego area, which is the third largest sector with 2,588 agents and the Rio Grande Valley, which is the fourth largest with 2,418, each will receive 150 new agents.

The remaining sectors, Laredo, Del Rio, El Centro, Yuma, Marfa, the fifth, sixth, seventh, eighth and ninth sector, respectively, in the number of agents assigned, none of these sectors will receive any of the new Border Patrols out of this plus-up.

I have also asked for statistics regarding the number of agents already assigned to each sector prior to this plus-up and the number of apprehensions that each sector made in the fiscal year 2010.

Mr. Fisher, you and I have talked, and when I asked you for the factors to be used, you used apprehensions. Then later, when I asked you to explain why those numbers were allocated, you came up with some other vague threat, risk, other, without being able to define those.

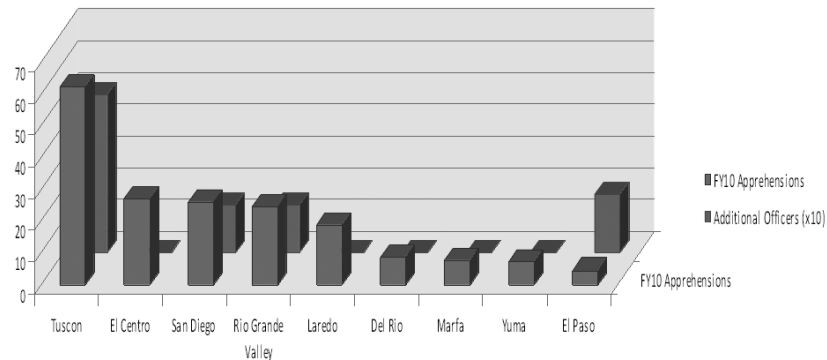
A few minutes ago Mr. Borkowski, you also said that CBP uses apprehensions to measure how effective they have been with the enforcement of border apprehensions.

In fact, Mr. Fisher, when I asked you to provide me the factors, the only thing you gave me—Members—was apprehensions. You all should get a copy of the handouts of this one to see what each sector gets in apprehensions.

CBP provided the statistics for the creation of the graph that I have displayed overhead, and I put this graph, which lists all the Border Patrol sectors along the Southwest border, shows the ratio as to how many undocumented persons were apprehended per Border Patrol agent assigned to sectors in fiscal year 2010.

[The information follows:]

### Border Patrol Apprehension and Additional Officers by Sector



Mr. CUELLAR. I have listed the sectors in order, starting with the highest apprehension rates to the lowest. For example, Tucson, Members, is the one at the left side, which is the apprehensions is the one in the blue. The red is the additional numbers that each sector is supposed to be getting. Those are done by 10s. Then the lowest is El Paso, which has the lowest amount of apprehensions, but gets the second largest number of officers.

So I have listed the sectors in order, starting with the highest apprehension rates to the lowest. For example, Tucson, as I mentioned, has a ratio of 62.3 apprehensions per Border Patrol agent. El Paso has the lowest ratio of 4.4 apprehensions per Border Patrol in fiscal year 2010. El Centro, which has the second highest apprehension rate at 26.8, yet this sector is not receiving any new Border Patrol agents.

Chief Fisher, I want to give you the benefit of the doubt. I don't think these allocations are political, but to an outside observer, it might sure look that way. It would look as the amount allocated for El Centro was moved to El Paso. In fact, if you look at the red, I think that red should be where the second largest is. Maybe you made a mistake on that, but it looks like that allocation is wrong.

I don't know—I don't see Ms. Sanchez here, but I am sure that her or Dan Lungren from California and any other folks would question as to why the second-highest apprehension rate per agent is not receiving any agents, while the lowest sector that has the lowest rate of apprehension is getting the second allocation of new agents of 187 under the supplemental. Can you explain that?

Mr. FISHER. Congressman, I would be happy to. As a matter of fact, I want to make sure that I am clear, because I am not explaining myself clearly as it relates to staffing.

It is true that apprehensions are a factor that we take into consideration for a number of things, not the least of which is staffing levels. It is inaccurate to suggest that it is the only thing that we

take into consideration, for instance, the supplemental that you had mentioned.

Of those 1,000 Border Patrol agents for the supplemental, 500 of those agents will be going to the Tucson area. That is permanent full-time equivalents. The other 500 will be dispersed among four corridors along the Southwest border to make up what is called the mobile response teams.

Now, although they are assigned to a sector, because we have to assign them to those areas, the corridor concept in those four locations are consistent with which we have identified areas along the Southwest border to be able to manage risk both in terms of the threat, which is the intent and capability of all those seeking to do harm into this country, and to identify threat along the Southern border in particular in terms of volume of activity.

We also take into consideration vulnerability, which makes up that threat picture. So it is true that—

Mr. CUELLAR. Mr. Fisher, I am sorry, but let me interrupt.

Mr. FISHER. Please.

Mr. CUELLAR. Apprehension, No. 1. Give me in a concrete manner what the second factor is.

Mr. FISHER. The second factor would be effectiveness, which by our definition is the proportion of apprehensions subsequent to a detected entry. In other words, of those individuals that we detect coming between the ports of entry, we want to proportionately increase the amount of arrests that we make along the Southwest border. That is one additional—

Mr. CUELLAR. Third factor?

Mr. FISHER. The third factor would be intelligence in terms of what is happening along our border both respect to any potential violence within that corridor, transnational criminal organizations operating in that area, and any associated—to give you a third and a fourth, any associated crimes related to smuggling or other crimes within the border communities that are taking place along the Southwest border.

Mr. CUELLAR. The last time, I think—I don't know if it was Mr. Duncan or somebody had asked you the question about the definition, operational definition, and you were using something different from what we had put in 2006. Part of that definition talks about enforcing the border, that is, you know, the intrusions into the United States, which means apprehensions.

So are you coming up with other factors beyond that definition that we put in statute in 2006?

Mr. FISHER. No, sir, not at all. Matter of fact, I believe Congressman Duncan was referring to the 2006 Fence Act, whereby operational control was defined by the prevention of all illegal activity. I am just suggesting the manner in which we do that is not inconsistent. It is a little bit more sophisticated in terms of staffing models.

Mr. CUELLAR. Well, I don't know what you mean by more sophisticated, but given the benefit of doubt so we will understand what you mean, again, apprehensions—and I just want to have a sense, but I met with you, I have talked to your staff, and we still have no idea what you are talking about, with all due respect.

Apprehensions is one. Mr. Borkowski said that is the main measure to look at stopping people about coming into the United States. What is the other one—threat?

Mr. FISHER. Well, Congressman, first, I would like to clarify it wasn't my intent to be either condescending or in using the word "sophistication" to allude to the fact that this particular committee wouldn't understand it. I was suggesting in terms of how we do our staffing models, we have matured the way that we look at it, and we look at things just—

Mr. CUELLAR. Mr. Fisher, let me ask you, why don't you put that in writing and send that to us in a very succinct way? Because this is the second time I have sat down with you, and I still don't understand. I have been doing this probably not as long as you, but I think I have a working understanding. Could you provide that to the committee?

If I can just ask one question, the emergency supplemental was signed into law in August 2010. The funds were available immediately. How many Border Patrol agents have you hired under the emergency funding? Because in talking to the homeland appropriators, they said that you still haven't given them answer as to how many you have hired. I understand it takes, what, 18 months. Where are you exactly on hiring under that emergency process?

Mr. FISHER. Congressman, I will have to get back specifically for the question—

Mr. CUELLAR. Whoa, whoa, whoa. You don't understand how many people—you as the chief don't understand how many people you have hired at this time?

Mr. FISHER. No, I can—we have over 20,000 Border Patrol agents right now.

Mr. CUELLAR. No, no, no. Under the supplemental bill that we passed last August in 2010, you were supposed to hire 1,000, because there was an emergency. The funds were available immediately. How many Border Patrol agents have you hired under the emergency funding?

Mr. FISHER. I don't know specifically under that specific appropriations, but we have hired—

Mr. CUELLAR. Mr. Chief Fisher, you are saying that as the chief of the Border Patrol, an emergency bill that got passed in August 2010, you are telling me that you don't know how many people you have hired under that emergency? It didn't happen last month. It happened August 2010.

Mr. FISHER. Under the specific appropriations, because those numbers would be different depending upon when we started hiring in October, both in terms of backfilling the attrition positions and onwards to our goal this fiscal year of hiring 21,370, I don't know specifically against the emergency appropriations how much of that total that we have done thus far, but I would be able to follow up and get you that answer, sir.

Mr. CUELLAR. Yes, first question, I still don't understand you. Second question, I still don't understand your question.

Madam Chairwoman, I know you have been very indulgent.

But I would like to ask you to give us that information also as to how many people under the emergency bill that we passed in August 2010, 1,000 people, and they were supposed to be so the

National Guard can come in. The National Guard will be stepping out, and Border Patrol is supposed to be coming in.

I am surprised that you don't know how many people you have hired under that, how many have been interviewed, background investigations, how many have been sent to the BPP Academy. I would ask you to please submit that in writing to the committee.

Thank you, Madam Chairwoman.

Mrs. MILLER. At this time I would also look for unanimous consent to have Mr. Green join our questioning of the witnesses today. Without objection, that will be so ordered.

I would just comment to Mr. Green you have been to several of our committee hearings, and we would invite—I think there is a vacancy. We would certainly invite you to join us, because you are a very, very active participant and very interested in these issues, and we are appreciative of that.

Mr. GREEN. Thank you, Madam Chairwoman. I gratefully accept your comments. Thank you.

Mrs. MILLER. At this time the Chairwoman would recognize Mr. McCaul of Texas.

Mr. MCCAUL. Thank you, Madam Chairwoman.

Chief Fisher, I would also be interested in your answer to Ranking Member Cuellar's question, if you could forward that to my office as well that answer.

Mr. FISHER. I will, sir.

Mr. MCCAUL. I appreciate that.

Mr. Borkowski, it is good to see you again. I want to allude back to, I guess, it was about a year ago. You and I and Congressman Cuellar were down in Laredo on the Mexican border and ended up at midnight, like something out of a movie, with this equipment from the Department of Defense. I think you and I and Congressman Cuellar were very impressed with this technology.

Can you give me an update on the deployment of this technology and what your plans are to use it?

Mr. BORKOWSKI. Yes, thank you. I also recall that session.

In fact, if you were to look at the new Arizona technology plan in total, it includes elements called agent portable surveillance systems, APSSs, which are tripod-mounted, long-range, infrared sensors. Those are among the things that we looked at there.

So we are in fact in this plan intending to procure those as part of the Arizona deployment. We are in fact procuring them through an Army vehicle. So, yes, we did take advantage of what we learned from that. We did incorporate it into the operational assessment the Border Patrol did, and we do intend to procure those systems.

Mr. MCCAUL. I am very glad to hear that. I look forward to its deployment across the entire Southwest border, including my State of Texas. We have 1,200 miles with Mexico.

Mr. Stana, you mentioned that 755 million in Arizona alone for technology. What does that leave for the rest of the Southwest border?

Mr. STANA. Well, I guess that depends on what the Congress appropriates—

Mr. MCCAUL. Yes.

Mr. STANA [continuing]. But that is what this expenditure is envisioned in just Arizona alone.

Mr. MCCAUL. Okay. You know, again, Congressman Cuellar alluded to the politics of the situation. It just seems like Arizona is getting all the attention, and Texas is not. I just want to impress upon you that—and I understand the apprehensions are very high in the Tucson sector, but we do have a large, you know, 1,200 miles that we share. I think, you know, our State should be given that attention as well.

Mr. STANA, you mentioned that this would not be completed, the technology piece on the border would not be completed until 2021 or as long as 2026. Is that correct?

Mr. STANA. That is our understanding. They are starting with Arizona, and they will go to neighboring sectors, but by the time this sequential process is finished with the AOAs and the judgments made by the Border Patrol and the fielding of the technology, it would be 2021 to 2026 before the last Southwest border sector would be—then to the Northern border.

Mr. MCCAUL. Okay. That is a long time, and you are talking 10 to 15 years. It took us a decade to put a man on the moon, and yet we are talking about camera surveillance, you know, that kind of stuff, that technology that, quite honestly, the Department of Defense has already manufactured through R&D at taxpayer expense.

I don't understand why this takes so long. You have a crisis going on down there. Everyone knows it. We know how dangerous it is in Mexico, and we know how dangerous it is at the border. Why can't we ramp up this process? Why can't we expedite it? What can we in the Congress do to send that message to the administration that we need to do this faster?

Mr. Borkowski.

Mr. BORKOWSKI. Yes, sir. Certainly, we could buy more, and we could put them wherever we need to. In fact, the plan, one of the differences in the new plan is that it actually has the flexibility to adapt as the threat evolves. So it is very much focused on Arizona, because, as you noted, that is where we have over 200,000 apprehensions compared to the rest of the border.

We do expect things to evolve, and we actually have funding in the budget in the President's request for what we call emergent requirements. Among other things, that is to deal with what we see as a result of tightening up Arizona.

In addition, the systems we are buying are systems that the military has provided. There are a whole set of these things. The integrated fixed towers—there are such systems already existing by the military. So we can buy them. The question is: Where do we put the first ones and why do we put them there?

However, we will that allow us to respond. If there is a movement of traffic somewhere else that requires us to deploy somewhere else, we can shift our plan to adapt to that—

Mr. MCCAUL. I appreciate that. I hope we can do it more expeditiously. If I have to go home and tell my constituents it is not going to be until 2026 that this border is secure, they are not going to accept that message. I think they are right in not accepting that.

Last, on the question of the National Guard, General, your deployment will end in June is my understanding. What is the plan?



Major General SALAZAR. Congressman, we are not those that create the plans. Basically, unless there is additional funding, the mission is going to end. This is the Operation Phalanx mission. The counter drug program, that is still continuing. We have about 140 personnel there continuing doing that mission, which we have been doing for over 20 years in support of law enforcement.

Mr. MCCAUL. So it is over. The National Guard will be removed from the border as of June.

Major General SALAZAR. For Operation Phalanx, yes, sir.

Mr. MCCAUL. I was always concerned that, you know, your hands are tied. You are in a support role, not operational down there to begin with, and I understand Posse Comitatus and the concerns there, but, you know, they weren't doing what they are trained to do, essentially.

I talked to my Governor about it. He said, you know, eventually, the Guard's backing is a bit of a Band-Aid. We need a permanent force down there. We talk about technology. You need the response piece as well, the manpower to respond.

Mr. Borkowski, what are we going to do about the transition as the Guard deploys out of the region?

Mr. BORKOWSKI. Well, I think I would offer that to the Chief. I could give you my perspective, but the chief is the operational expert there. Would that be something that—

Mr. MCCAUL. Chief, do you have a response?

Mr. FISHER. Yes, Congressman. As a matter fact, along Texas and across the other three States as well, the majority of the National Guard are providing what is called entry identification teams. It is a lookout post, observation post, where National Guardsmen and women are put up on a high point with optics, daytime/nighttime capabilities, to inform the Border Patrol agents where the activity is.

Those missions and that requirement will remain, and Border Patrol agents will be doing those, if those EIT sites are still required.

Mr. MCCAUL. Well, it seems like there is going to be a big gap missing as the Guard pulls out, and I think I would like to see a very thoughtful plan as to how to replace them.

So with that, I yield back, Madam Chairwoman.

Mrs. MILLER. The Chairwoman now recognizes the gentleman from Michigan, Mr. Clarke.

Mr. CLARKE. Thank you, Chairwoman Miller.

You know, even though the Southern border has a lot more documented illegal crossings than the Northern border, Chairman Miller, properly cited, the Northern border faces unique challenges.

I have got two questions. One is essentially how do we increase Northern border control? Secondly, what are the tailored mix of technologies, the likely existing technologies that we could deploy to better secure that border?

But just before I go and pose the questions, I just want to note that the Detroit border sector contains 10 percent of the Nation's border miles, approximately 863 of those miles, yet only four of them are under operational control, at least by CBP.

Ranking Member Cuellar raised the issue that for me still begs the question on what is operational control, especially as a new

Member, since Congress 2006 stated that it means preventing all unlawful entries, but yet in the National border patrol strategy, I believe at least in 2004, indicated that the objective was to stop those penetrations in the high-priority areas.

But even still, the GAO back in 2010 indicated that when it interviewed certain border sector offices, including Detroit, which is the area that I represent, those offices indicated that additional resources were needed to better secure the border.

This question is to anybody with CBP: What are the steps that you are currently taking to address those identified needs, either through more effective partnerships or through additional resources? Then I have got a question regarding technology after that.

Mr. FISHER. Congressman, I will take that answer to that question, if that is okay. You are correct. As a matter of fact, when I proudly served 2 years in Detroit, a huge difference in terms of the threat and vulnerability that I was experienced on the Southern border. That 860 miles that you talk about is water border, so it provides a very unique challenge to how we approach that particular threat.

What is interesting also is I don't believe that in order to minimize the risk in an area like the Detroit or State of Michigan, that we would want to overwhelm with Border Patrol agents alone. Certainly, the infrastructure and technology or the infrastructure and fence, for instance, wouldn't be applicable.

Then so the question is to what extent do we need technology, if in fact the threat as defined was the same on the Southern border, which I don't believe it is. For instance, there is, I don't think, enough camera poles that we would be able to put a long even more so than the 860 miles, if you take into consideration all the inlets, all the rivers and those crossing points.

So the approach for Detroit in particular, and certainly along the Northern border, and as we start our sustainment strategy along the Southern border in the out years, is really going to be predicated on three things. It is going to be information and intelligence, which is really going to be a key indicator on what that threat is and how we can minimize the risk.

The second thing is going to be the integration. As you aptly noted, operational integration, our ability to work with a joint terrorism task force, the border enforcement security task forces for ICE, for instance, working with our State and local partners as force multipliers, that has in our history and will continue in the future to be a key indicator on our ability to not only know what is coming at us, but certainly to build the operational plans as a law enforcement force, not just the Border Patrol, but within the community against those particular threats.

Mr. CLARKE. Thank you, Chief.

Just to pick up on that, and this is for anybody in CBP, the chief outlined the differences with the Northern border. Much of the border is right in the middle of a body of water. Other areas are in the middle of forest.

What are the tailored mix of technologies that you would use to better secure that area, just using your term of art, Assistant Com-

missioner Borkowski? But this is to anyone that could address that.

Mr. BORKOWSKI. Well, let me start, but I would also like to suggest we should hear from General Kostelnik, because his air and marine is a big part of the technology solution here.

But there are a number of technologies along rivers and such. We do have radars, we do have cameras, and we have started to deploy some of those. Within wooded areas that is a little trickier, because radars and cameras don't help you. But there are a number of sensors that we can use to detect activity.

So for us the focus is on recognizing whether or not a vulnerability is being exploited so we can respond to that knowledge. It is not dealing with hundreds of thousands of people trying to come across the border, which is a significant difference. It is identifying where there is an issue so that the resources we have can be properly focused on it. That is how we would use technology, and we are investigating those kinds of systems.

With that, I think it is probably important for General Kostelnik to talk about how we use the air and marine assets.

General KOSTELNIK. Well, I could just add that over the last 5 years, while there has been a lot of visible focus on the Southwest border, in the long lead areas that are very difficult to acquire high-end equipment, aviation in particular and maritime to a lesser extent, the agency actually has been investing heavily in the Northern border.

Over the last 6 years we stood up five new air branches, Detroit obviously one of the big ones up there, but air branches all across the Northern border to lay in aircraft and aviation support to support our officers and agents on the ground.

In the maritime, this committee has actually been part of the plus-up in the maritime environment, and we have added significant number of marine branches not only in the Great Lakes, but in other areas across the Northern tier and accordingly, because we have actually a faster lead time on acquisitions, have fielded the very capable new generation of SAFE boats.

You probably have seen these. Both we and the U.S. Coast Guard operate these things. They are sealed aluminum hull vessels. We operate the 33- and 38-foot boats on the Great Lakes. These are boats that are capable of 60 miles on the water, three manned armed crew. We are carrying not only Border Patrol agents on these boats as crew, but also office of field operation customs type doing port inspections.

Of course, with the UAVs it is a very more problematic approach with the issues we have with COAs and problems with civilian aviation traffic, but we have made a tremendous amount of progress in the UAV program in the Northern tier as well, having fully deployed an operational two aircraft in North Dakota and having recently this past year, since we last briefed the committee, acquired additional COA airspace.

We can now fly from Minnesota all the way across the Northern tier to the west to Spokane, Washington, and, of course, 2 years ago developed and do have the COAs for operational work on the eastern side of the Great Lakes, having flown and deployed to Fort

Drum, partnered with the 10th Mountain Ranger Division there, partnered with the Air National Guard in Syracuse.

We have flown the St. Lawrence Seaway. We have flown Lake Ontario. While we do not have dedicated UAVs or COAs active for the Great Lakes proper, including Detroit, we do have as a matter of record, you know, emergency COAs available to us from the FAA such that should there be a National high-end contingency event anywhere along the Northern border, we could get the necessary COAs from the FAA for a National security event in 1 day.

We do have the asset not only from the Northern tier asset, but the ability to distribute a system to fly and operate aircraft from any of our four operational launch and recovery sites.

So while we continue to explore with new technology like the OIC we are going to open next week and other types of activities that A.C. Borkowski has talked about in terms of the land investment, integrating these airborne assets, which are very difficult to acquire, take time to get, a lot of that infrastructure is in place.

Efforts like the OIC, through much quicker development opportunities through OIT software and computers, is starting to tie those aircraft, those boats not only to the COPs with the command and control infrastructures, but also through developments that we are applying in the Southwest border that equally apply to bringing the agents into that connectivity.

Today we can see live streaming video from our Predators to handheld devices that would fit in your hand—probably your BlackBerry, you know, in the next few weeks. I mean, that is how far technology has come.

So I would ask you just take a fair and balanced view that we have not lost our focus on the Northern border. We have been working it behind the scenes for a long period of time, and much of the technological investments in particular that we invest in the Southwest border we can quickly apply to the Northern border, and that is always part of the plan.

Mrs. MILLER. Thank you very much.

The Chairwoman at this time recognizes Mr. Quayle, of Arizona.

Mr. QUAYLE. Thank you, Madam Chairwoman.

Chief Fisher, I have a question. It is starting in June we are going to have a drawdown of the 1,200 National Guard troops from the Southwest border in Arizona. That is a little over 530. At the same time we recently canceled *SBI<sub>net</sub>*, so a lot of the technological force multipliers that would have been in place—hopefully, would have been in place—are now gone, and they won't be in place till probably 2013, I think, at the earliest, and maybe not until 2015 in Arizona, which is my home State.

My only concern is what is the Border Patrol going to do to kind of bridge that gap between the drawdown of the National Guard troops and the implementation of the force multiplier via technology, which we don't know when that is going to be actually implemented?

Mr. FISHER. Yes, Congressman. I can tell you from the time that we stood up the National Guard deployments in Arizona and across the Southwest border, but in particular Arizona, to the drawdown, which will be complete by June time period, we have increased

both in terms of permanent Border Patrol agents and detailed Border Patrol agents into Arizona.

So the capacity that we have built in the State of Arizona in terms of Border Patrol agents capability and for technology is at or exceeding what the Guard has right now in terms of those resources. So I don't necessarily think there is going to be a huge gap.

In other words those entry identification teams will not go unguarded, if you will. Border Patrol agents, if the operation still requires it, will be manning those. It just won't be the National Guard.

Mr. QUAYLE. Okay. Thank you.

Now, Mr. Stana, I saw in your testimony you discussed how DHS has ended the *SBI*net program, but not its contracts or key technology capabilities. What has DHS actually ended?

Mr. STANA. Well, what it has ended is the concept of moving forward with the *SBI*net capability, which is a camera day and night, radar on top of a tower that feeds into a COP that has the possibility of certain other inputs as the primary vehicle for using technology to be the force multiplier you mentioned.

It now is going with a more tailored approach sector by sector, almost station within sector by station, to see which kinds of technology is most appropriate for a certain area, a certain terrain, a certain threat.

What our problem is to date is that we haven't seen the documents—we hope to see them soon—but we haven't seen the documents yet that translate their view of what the alternatives are and the cost effectiveness of these alternatives into operational assessments and budget and planning. That is a black hole for us at this time, so I cannot say today that I totally agree with the laydown that they have prescribed.

Mr. QUAYLE. So you can't even say if there are significant differences between the new technology laydown plan and what—

Mr. STANA. Well, there are differences in the mix of technologies used, but I think one of the messages I bring to you today is that if you think that ending *SBI*net means you won't be seeing towers on the Southwest border with cameras and radars on top of them that feeds into a COP somewhere in the station house, no, that is probably going to be in the next generation. The question is: Is that going to be the main technology fielding?

Mr. QUAYLE. So do you think it is going to be the same technology, just different contractor? Or and figure out—

Mr. STANA. Well, it could be. I mean, there are only so many ways you can configure camera, radar on top of a tower with a COP. I know that, for example, the contractor that currently does *SBI*net is likely to compete again or throw its hat in the ring again. Whether it is selected again or not is hard to say at this time.

But, yes, I mean, there are only so many of these things out there and fielded, and there are only so many to select from. In fact, if you look at the RFI, the request for information that CBP is putting out. It looks very similar to the kinds of documents we saw when *SBI*net was beginning in terms of the desired capabilities.

Mr. QUAYLE. Okay. Thank you.

Major General Salazar, first of all, thank you for your service and what you do. I was just wondering have you seen or do you have any concerns yourself from the drawdown that will occur starting in June? First of all, what is the effect then from your standpoint of being able to secure various areas, especially in the Tucson sector, with the deployment of the National Guard troops? Do you see any negative effect on the drawdown coming up starting in June?

Major General SALAZAR. Congressman, I am not in the position to be able to answer the question on what would be the effect. That is really more of a question for law enforcement and for one or the other members of the panel here.

As far as the impact on the National Guard, you know, it boils down to a job, to be honest. Many individuals that, you know, volunteered to perform this mission are going to be out of a job. So those individuals will either go back to their civilian employment, if they had it, or they will be continuing looking for a job or deploying or doing whatever is needed to put food on the table for their families.

The impact on the National Guard from a readiness standpoint, there is none, because we still had the requirement for the Federal and State mission. It is more of a personal impact on those individuals that no longer will have employment, because they are off orders in June.

Mr. QUAYLE. Thank you very much.

Mrs. MILLER. The Chairwoman now recognizes the gentleman from New York, Mr. Higgins.

Mr. HIGGINS. Thank you, Madam Chairwoman.

In recent years Congress has provided very significant increases for Border Patrol agents, border fencing and technology projects such as *SBI<sub>net</sub>*. The GAO report is quite critical that Customs and Border Protection received over \$1 billion for the *SBI<sub>net</sub>* program with little to show for it due to technology and integration problems.

Mr. Borkowski, I appreciate very much your emphasis on the distinction between the Southwest border and that of the Northern border. As part of the Northern border project of *SBI<sub>net</sub>*, remote video surveillance systems were deployed along the Niagara River in the Buffalo sector and in the Detroit sector.

This technology was chosen because of the unique operational area, which consists of coastal maritime Lake Erie, riverine Niagara River, Irving, Buffalo, and rural environments. How effective has this particular system been in securing the Northern border against illegal border activity?

Mr. BORKOWSKI. The feedback, Congressman, that we have gotten from the Border Patrol, which would be the one who would make the assessment, has been very positive. We now have technology in areas where it has not in the past existed.

Now, there have in the past been RVSS, remote video surveillance systems, and those are day and night cameras that are remotely controlled on towers. There have been some of those in Buffalo. This filled in some gaps in Buffalo.

We are also using, frankly, these are systems. We have about 250 of these deployed along the Southwest border. Of course, the

environment—I was raised in Buffalo and Rochester—it gets much colder there. We had problems with lenses freezing over, those kinds of things.

So part of this was to take a look at how well they actually held up in that environment. They do seem to hold up very well. They went up actually very quickly, very cost effectively, and the feedback that we got back from the Border Patrol has been very positive in what that has allowed them to do in terms of seeing what is going on.

I would like to make one point of clarification, if I could. When we talk about *SBI*net and how much money has gone to *SBI*net, we have had trouble with the definition of the term “*SBI*net.” I don’t call what we put up in Buffalo or Detroit *SBI*net. The system we were putting in Arizona is *SBI*net, and we have been kind of loose with terminology in the past.

It is important, because the \$1.5 billion that the GAO talks about includes almost a billion for the *SBI*net in Arizona. But the rest of it is for things like the Northern border—mobile surveillance systems, tactical communications. Just to be clear, we try to make a distinction among those technologies.

Mr. HIGGINS. Okay.

And for both Mr. Borkowski and Chief Fisher, the GAO report found that only 69 miles of the 4,000-mile border is currently considered under effective control. Thirty-eight of those effective control miles are in the Buffalo sector.

Mr. Fisher, in your testimony you emphasized the importance of strong partnerships with the Federal, State, local, and Tribal agencies, as well as the Canadian government, to protect the border and expand intelligence and information sharing.

I recently visited the Border Enhancement Security Task Force, BEST, in Buffalo, where they discussed their role in securing the border. Their partnerships have allowed them to make 284 arrests, 95 indictments, 44 convictions, and the seizure of approximately 7,200 pounds of controlled substances, 2.3 million in U.S. currency, 49 firearms, 38 vehicles, since the inception of the program in March 2008.

However, the recent GAO report referenced that numerous partners have cited challenges relative to undermining the full capability of the program. Can you help us understand that a little bit better?

Mr. FISHER. Yes, Congressman, I will try. I mean, one of the things when you look at operational control as defined and applied and you look at the Northern border, I mean, one of the deficits the Northern border chiefs had over the years is because predominantly the definitions were predicated on technology, they were predicated on fence.

We realized that in the Northern border in particular, a lot of the personnel enhancements and the fence not only were not going to go proportionately to the Northern border, but in a lot of those areas it didn’t make sense to put fence along the Northern border. So what we asked the chiefs to do at the time is take into consideration the relationships and the operational coordination that you are doing.

What we are doing right now is trying to figure out: How do we quantify that in terms of whether it is on con miles or a greater sense of situational awareness? Because at the end of the day, what we really want to know about is that information and intelligence. Of those individuals that are intending to come into this country on the Northern border, do they have the capability? By what means would they try to come across the Northern border, both in terms of location and techniques, tactics, and procedures?

That is a little bit different model than taking a look at the senior fence applications or camera systems across a broad desert area. So we are trying to get better modeling to try to put a little bit of fidelity in terms of how we assess that—again, and assess the risk not necessarily in terms of linear border miles, because it is a different operational environment with a different threat as defined.

Mr. HIGGINS. I think my time has expired. Thank you, Madam Chairwoman.

Mrs. MILLER. Thank you very much.

The Chairwoman now recognizes the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. Thank you, Madam Chairman.

Mr. McCaul asked for some answers to the questions from Chief Fisher. If your office could make sure that—I think it would be beneficial to everyone, but I would like to have a copy of that as well. Thank you.

Chief Fisher, I want to say thank you for taking the opportunity to meet with me recently as I try to understand your on-going mission at the Southern border.

As you know, from South Carolina we are a long ways from both the Northern and the Southern border, but it is an interest to the folks back home when it comes to immigration and illegal immigration and this situation with Hezbollah being in bed with the cartel in Mexico and implications that may have for years to come. So I know you have got quite a challenge and continue to learn more and more at each hearing that we have.

I want to address my questions today to General Kostelnik.

I understand that UAVs are supposed to be a force multiplier that could basically remain in the air much longer than normal planes and require much fewer assets. The employment of UAVs has been touted as a way to, I guess, stimulate and expand the surveillance gaps affecting the remote sections of the border.

However, during Secretary Napolitano's *SBI*net review, it was determined that UAVs were not suitable to patrol large swaths of border such as those along the Arizona-Mexico border. These systems require ground control station and satellite link, and costs have increased from \$4.6 million to \$10.5 million.

Can you just clarify what missions UAVs are best equipped for and provide insight as to why UAVs were not chosen as an alternative to *SBI*net?

General KOSTELNIK. Well, thank you, Congressman. I will be happy to elaborate on that. In fact, I am not sure what exactly those costs are relative to, but we actually have been operating UAVs along the Southwest border for more than 6 years now, first



with the Border Patrol proper and then with U.S. Customs and Border Protection.

Today we have three operational aircraft sited at Sierra Vista. We have one operational aircraft at NAS Corpus Christi. We have COA airspace to fly from the State of Louisiana to the State of California. So that is a lot of airspace to fly.

Basically, although the UAS is not a panacea, it does have a very unique characteristic that manned aircraft just cannot have. In fact, we operate 26 different kinds of aircraft in homeland security. The Predators and the Guardians supply a very unique capability. They are very small, so in many circumstances can't be seen. That is an advantage over the larger airplanes.

We don't carry crew, so there is man-related equipment on the aircraft, so therefore, you can put all your payload into sensor technologies and equipment. Because of the combination of the technologies, we can fly these aircraft for 20 hours.

So you are in South Carolina. Not only are we concerned with the Southwest border and the Northern border, we are also now concerned with the littorals, which would cover the coast of South Carolina. In fact, back in their hurricanes 3 years ago, we actually put the UAVs in to work. We flew across your State, the complete coastal environment, taking high imagery synthetic aperture radar cuts of all the coastal infrastructure.

Given the things that are going on in Japan, I mean, this is another opportunity to highlight the uniqueness of what UAVs can bring to bear. In that instance we now have a track record of all the coastal environment from the isthmus of Florida all the way to Dover, Delaware. Those were taken as a matter of record with the Predator mission during the hurricane, a 2,300-mile flight, a 20-hour mission.

Today, if we were to have a nuclear event like is going on in Japan right now, I mean, the inability to fly manned aircraft over those sites to understand what is going on, you know, gives a unique opportunity for UAVs. If we had UAVs deployed, the Predators over there, we could actually put the UAV over the top of any of those reactors.

At the end of the day, you know, for 20 hours, it would give unprecedented situational awareness—slow-motion video, able to take high-definition radar cuts of all the physical infrastructure, great for comparison. That would be a wonderful capability to have for emergency response.

So not only are the Predators—we are flying nightly. We have four operational sites. Last night we had weather at two sites, but we did fly and extended mission in the Caribbean out of our site at the Cape. That would be the aircraft that would support issues in South Carolina all the way up the eastern seaboard.

Mr. DUNCAN. General—

General KOSTELNIK. We also flew operational missions out of Sierra Vista along the Arizona border. So not only are they on-going force multipliers for the agents and troops on the ground, but they are unique capabilities in unique circumstances.

Mr. DUNCAN. General, I think we all appreciate the capability of UAV, and I appreciate that you all are using those on the Northern

and the Southern border and over my State at times, and definitely over Japan, what a tragedy.

But my understanding is that UAVs are not flying for 20 hours. The FAA is limiting those. Can you touch on that for me?

General KOSTELNIK. Well, there really isn't an FAA limit. I mean, we have had this debate. There are clearly operational issues with flight in the National airspace, but clearly with the COAs that we have in the Northern tier, the COAs we have all across the Southern tier and the isthmus of Florida, we have more airspace today than we can fly.

Our constraints over the flying hours—a Predator Guardian can fly 20 hours. That is our mission capability. But to do that—

Mr. DUNCAN. How many hours are they averaging, would you say?

General KOSTELNIK. Well, our missions, some of the higher missions are 15 or 16 hours. A good many of the missions are 10 hours. Some of the training missions, depending on the circumstances, are shorter. We are not flying to the full potential, not because of aircraft or airspace limitations, but because we are still building the force. We are still growing the crews.

To fly a 20-hour mission actually takes three sets of crews, two operational, because a crew has to fly the aircraft when it is up and away, and a third crew to land. So you have to launch the crew someplace, have two crews from the distribute area, which we do, that fly it, and then have a crew to recover.

So really, although they are unmanned, there is plenty of manpower—

Mr. DUNCAN. How many people are on a crew?

General KOSTELNIK. Well, we fly the aircraft on most operation missions with a two-man crew. One pilot flies the aircraft, and one pilot operates the sensor.

Mr. DUNCAN. The Air Force requires 119 people per UAV, based on the data that I was given.

General KOSTELNIK. Well, when you look at the—

Mr. DUNCAN. One hundred nineteen and two is a big difference.

General KOSTELNIK. No, no, when you honestly get into it, I mean, yes, there are more people involved if you need them or want them, but you get more benefit from it. So the kind of people that are involved in those, okay, so we have a control set. It just takes two to operate the aircraft.

But taking the data takes more people. In our instance on occasions we will have a Border Patrol agent or an office of field ops in the control set, or we might have a lawyer with us or other local law enforcement because of the mission. That gives us more people involved in the mission that you can log to that, but also more capability.

The data that comes out of our aircraft is now sent to processing, exportation, and dissemination cells. This is another distributed infrastructure. We have two of those, one at the AMOC in Riverside, one at North Dakota. In that you have your analysts.

That is another five people, full-time, that are in there to tell the sensor operator where to look and the pilot where to fly. They do real-time data reduction, and they are talking to other intel specialists distributed throughout the system.

As we have stood up the new joint command in Arizona, those people and with the warfighters are taking that information and working on that. So when you look at it, you might have on one of our given missions, because of all this distributed interest, there could be 50 people involved. But, you know, if it was unmanned aircraft feeding the same data set infrastructure, it would be the same number.

Mr. DUNCAN. I would be curious to find out—

Mrs. MILLER. Thank you. The Chairwoman is trying to be lenient with the time, but we are way off our time here, and I want to make sure everybody has an opportunity to question.

The Chairwoman would now recognize the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. I thank the Chairwoman and the Ranking Member.

Let me thank everyone who is here for their service.

I want to thank Ranking Member Cuellar for raising some, I think, crucial issues that I would like to address.

First of all, I want to put on the table, Chief Fisher, that the continuing resolution proposed has listed \$500 million in cuts to CBP's budget, and that would occur in 2011, meaning that you have obligations, and it would occur at that time—if you could keep that question on your mind.

If I could have Mr. Kostelnik to keep on his mind a question on the impact of these cuts would have on ports. I come from a city with a large port. Those are vulnerable. It is a vulnerable area there, and I am very interested in that.

But let me just comment, and if you would include your comments to me on this statement. I remember being able to go to Mexico and have dinner with friends, dinner with families, and then come back. Over the last couple of months, we have seen teenagers leave El Paso and are shot dead. We have seen our ICE agents attacked, one tragically losing his life.

I think we are, frankly, at the worst point that I have ever seen, and I do not suggest the worst point I have ever seen under this administration. I think it has been steadily deteriorating, not with any respect for the hard work that our men and women are doing on the border. I think it has been challenging, whether it is on President Reagan's border, President Bush I's border, President Bush II's border, Clinton's border, Carter's border, or our present President.

My question, then, is as you answer the question about the \$500 million in cuts, are we ever going to get control? How much more can our friends in Mexico do? Obviously, local officials are killed, prosecutors are killed, law enforcement are killed. The drug violence is an epidemic and out of control.

So this is not a commentary on the individual work that is going on, but it really is asking for a truthful assessment of what is needed, how this cut will impact.

I will go to you just very quickly and thank you, Major General Salazar, for your work. You made a good point that you follow orders. Could I just ask you, however, would it be helpful if this Congress decided to continue the mission of the National Guard?

Major General SALAZAR. Congresswoman, you know, I am here as the adjutant general and to basically echo the comments of my Governor, who has been very vocal about the fact that she believes that there should be an increased presence of National Guard supporting law enforcement.

It has never been anything but supporting law enforcement because of the unique skill sets that we bring. We are talking about a lot of technology, communications, radar, sensors, Predators. The National Guard, the military personnel, the men and women in our Guard have those skill sets, and we can bring that skill set to support law enforcement.

Ms. JACKSON LEE. So it is not a wartime skill set. It is you are going to be supportive of a civilian force. Is that correct?

Major General SALAZAR. Yes, ma'am.

Ms. JACKSON LEE. So—

Major General SALAZAR. We use those skill sets to do the mission that law enforcement is doing on the border.

Ms. JACKSON LEE. So in the cutting, not providing funding, States on the border like yours, I assume if I had my major here from Texas, they might say the same thing.

Major General SALAZAR. Yes, ma'am. I think we will echo the concerns of our Governors in that we need to do more to secure the border. If that means utilizing the National Guard skill sets to enhance the current operations of law in force, I would agree with that.

Ms. JACKSON LEE. Chief Fisher, would you answer the question about the \$500 million cut and the conditions at the border with the drug violence?

Mr. FISHER. Yes, Congresswoman, I will. Matter fact, with respect to the cuts, we are continuing even what we started last year and when I became the chief and made to take a look at contingency plans and efficiencies within the workforce. CBP continues that effort today.

But in terms of what we are seeing in Mexico as it relates—

Ms. JACKSON LEE. What did you say about the cuts? I didn't hear you.

Mr. FISHER. I beg your pardon. I said in terms of the cuts, what we are doing and continue to do this year is taking a look at efficiencies in the event that we had any cuts in our budget in terms of discretionary funds, how we do that within the Border Patrol in terms of—

Ms. JACKSON LEE. But you would be in essence looking to cut what you might need. You would be in essence leaving programs out.

Mr. FISHER. Well, in some cases we may, depending upon if they still meet our operational priorities. What it does—

Ms. JACKSON LEE. Do you have \$500 million to cut out of a budget that deals with horrific drug violence and the cartels and the murderous activities that are going on? Do you have that amount to cut?

Mr. FISHER. Well, what we are doing, Congresswoman, is taking a look at all the cuts in different increments to be able to see what the offsets are going to be. For instance, if we identify some cuts within our operations in terms of deployment, there is going to be

an impact to that. What we do is we minimize that impact across our borders and try to minimize any impact that——

Ms. JACKSON LEE. Well, then, you would be belt-tightening, and there would be some programs that will be sacrificed.

Mr. FISHER. That is correct.

Ms. JACKSON LEE. All right.

Mr. Kostelnik, if you forgive me for pronunciation, but the same question to you and tied into our ports.

General KOSTELNIK. We are, as you know, a force provider for the Border Patrol. So we provide the maritime units along the ports. Obviously, we have multiple air branches in Texas.

So 2011 was not a good year for us in terms of re-capitalization anyway, but we do have follow-on acquisition that is on-going for new maritime vessels that would be unaffected by the continuing resolution and those expected cuts.

For us it would likely manifest itself at some point into reduction in flight hours or on the water hours, and——

Ms. JACKSON LEE. So there would be an impact on homeland security.

General KOSTELNIK. Depending on the level of the cuts and timing, yes, there certainly——

Ms. JACKSON LEE. Well, first of all, we all believe in belt-tightening. I think the question is whether or not homeland security is a place to belt-tighten or be efficient. So the question is ports across America would be impacted. You would have to pull back on some of the resources or the utilization of that. Is that correct?

General KOSTELNIK. Well, I think at some point, depending on the level of cuts, there would have to be a reduction in float and flight hours from air and marine.

Ms. JACKSON LEE. Well——

Mrs. MILLER. Thank you very much. Again, the Chairwoman is trying to be lenient with the time, but I want to make sure everyone has an opportunity to question.

At this time the Chairwoman would recognize the gentleman from Texas, Mr. Green.

Mr. GREEN. Well, thank you, Madam Chairwoman. I especially thank you for the unanimous consent request. Like you and other Members of the committee, I believe that border security transcends politics, and we should do what we can to work together to make sure that we secure all of our borders.

I want to thank the persons who are here today. You are doing a great service for our country, and it is most appreciated. Because you do such a great service for the country, as one American I want you to know that I am concerned about the safety of our men and women, who work along the border.

I am concerned about the border. Don't get me wrong. That is of paramount importance—all borders, but also the safety of the men and women who work along the border and as well as those who work on the other side of the border.

You know of the incident that has occurred, and my concern is whether or not our personnel on the other side of the border, whether they are secure enough to work in that environment and not be able to protect themselves with proper armaments. Do they need to have weapons? I have an opinion, but I would like to hear

from the experts as to what we should do to make sure that they can protect themselves.

Chief Fisher, if you would, do our agents on the other side of the border need the ability to protect themselves? I understand that they are guests, and they are in the host country, but what about their safety?

Mr. FISHER. Yes, Congressman. First, thank you for your concern, and I share your concern with any U.S. person that is in Mexico.

But in particular the Border Patrol doesn't have that many Border Patrol agents that are assigned in Mexico. Matter of fact, the overwhelming majority are assigned at the embassy, so the answer to your question would really depend on what their function is and what they are actually doing.

So for those individuals working at the embassy and force protection provided, we are doing everything we can in terms of getting risk assessments and threat assessments, working with NORTHCOM, for instance, and working with our CBP attaché in Mexico City, to constantly evaluate that and make recommendations to us. All those will be taken into consideration in the near term.

Mr. GREEN. Thank you.

Would anyone else like to respond?

Let me move to another topic. We obviously will do our proactive prevention, and that is the best way, I think, to help ourselves with this border protection, as opposed to reactive apprehension.

I do want to talk to Mr. Stana—I seem to have lost—Mr. Stana, you about a concern. Our staff—and I salute them, the staff personnel, for what they are able to do. They literally sift through the sands of information and find pearls of wisdom. They have accorded me one pearl of wisdom that I would like to share with you.

It reads that “GAO has also noted that CBP currently does not have the ability to detect illegal activity across most of the Northern border.” That is a fairly significant statement. Will you please elaborate on what that actually means?

Mr. STANA. Yes, Mr. Green. In fact, that observation was made in connection with the report on the Northern border security that we just finished last fall. I know the Chairwoman is well aware of that report.

The number of miles on the Northern border that is under operational control is about 2 percent. That is mainly because unlike the Southwest border, where you have maybe 19,000, 20,000 Border Patrol agents covering 1,900 miles, you have got maybe 2,000 agents covering 4,000 miles—wide open spaces, no tactical infrastructure, very little of the air assets, you know, in comparison to other locations.

The radar capabilities for detecting low flying aircraft aren't what the Border Patrol would like them to be. So there are many risks, many vulnerabilities. This has been documented not only in our reports, but in reports that have been done by CBP and others.

You know, the threat is different. As has been pointed out by other members of the panel, you can't expect that Border Patrol or any other single organization to do it alone, or you would be beefing up the size of the Border Patrol or any other organization

tremendously. But it is incumbent on the organizations up there to coordinate and cooperate with the resources that they have.

Mr. GREEN. I think it appropriate that someone have an opportunity to respond. Who would like to respond?

General KOSTELNIK. I will respond to some of that, because clearly the terrain and the geography is very different. While there is a large amount of expansive space and fewer agents, it really is a different environment.

Along a lot of it, particularly out in the western part, there is no infrastructure on either side of the border to really to support this kind of activity. So I think there is some, you know, some merit in the case that there is a lot that we don't know that is going on.

Certainly, we have a different threat base. There is a different flow, whether it is weapons or cash or illegal substance of some kind. So, really, I think, again built on growing our technology and growing our capability, as we have slowly been doing on the air piece and now we are starting to do on both the water and the land piece, we are starting to deal with some of these unknowns.

We worked closely with the Guard over the years to put in ground-based radar to improve our look-up. We are slowly adding more capability with look-down with the UAVs. We are aggressively partnering, as we always have, with our Northern neighbors on intel functions to target our activities where there is need. But there are still a lot of unknowns, and those are the kinds of things that we are going to have to track.

But behind the scenes in the areas that we think are highest risk, we are employing our best effort in terms of people, our best effort in terms of technology and supporting infrastructure with aircraft or maritime. Clearly, in the area of the Great Lakes, where there is more population, there is more activity and therefore more risk.

I think you are seeing, you know, a concerted focus by the vestiges of the old SBI, some of the new things that we are doing like the OIC, what we have put specifically to boats, what we have put in the new AW-139 helicopters. We are increasingly going to grow those capabilities.

The world is an uncertain place. We have a broad area to cover. Again, I mentioned that we still have the littoral. With all of the pirating activity that is going on on the world stage, there is not a lot of protected infrastructure on the sides of the country—on both sides.

Our new commissioner has come and looked at that, and we are starting to focus on thinking about how do you protect the littoral part of the country as well. We have seen now fully submersible submarines that can sortie out of Colombia with more than 3,000-mile range. They can land north of where most of our border protective infrastructure is.

So the world has become more complex, and it is a matter of prioritization, where you put your assets and what are your National priorities. The help, in a way, is the growth in IT infrastructure and—

Mr. GREEN. My time has expired. Thank you.

Thank you, Madam Chairwoman.

Mrs. MILLER. Thank the gentleman.

We are going to go to a second round of questions here. I know that those Members that are remaining have lots of other questions as well, so we wanted to do so. I think this is just an excellent panel that we have here today really getting to a lot of our questions. We appreciate all of that.

I am going to go back to—well, first of all, let me talk about the budget. For instance, it has been mentioned about the \$500 million on the CR. That is primarily the *SBI* that Secretary Napolitano has said is not necessary anymore. So that is principally what that figure is.

But, you know, budgets really are a reflection of the Congress reflecting the will of the American people, I think. I think it is clear that the will of the American people is to secure our borders. They certainly have that will. They have the political will. I think it is for the Congress to demonstrate the political will that the American people have, and that is really what this hearing is trying to get at today.

So one of my earlier questions was about the potential to co-mingle some of the budgetary issues between the Department of Homeland Security as well as the Department of Defense.

I am going to go back to my question again, and perhaps to Chief Fisher and to Major General Salazar as well, about the utilization of not only the National Guard, but whether or not, because of what is happening on the Southern border, which seems to be a complexion that is now changing to the dynamic that is very similar to a war zone situation with the overspill of the drug cartels into our country, how we not only secure our border, but to keep that kind of element out of America.

I wonder if it is something that we should be looking at as actually using, as I say, perhaps a Stryker brigade. You know, a Stryker brigade, my understanding, for instance, that the Guardsmen, I think, maybe only Pennsylvania is currently training and has a Stryker brigade, but it would be something perhaps that this Congress should look at.

If you have a Marine Stryker brigade on the other side of that border, I think those drug cartels are going to think twice about coming across that. That is not, believe me, any slap on what is happening with the Customs and Border Patrol at all. You do a wonderful, fabulous job. But I think we need to beef it up.

So I am thinking in those terms. I mean, we are talking about UAVs, which is an off-the-shelf technology, has had great impact in theater, and we are looking at other kinds of technology.

One of the things that this committee is going to be looking at as well is other types of, in addition to the UAVs, the land systems, robotic land systems, again, that we have had excellent success with in theater. The terrain in Afghanistan certainly is rougher in most cases than what we have on the Southern or Northern border, so if it can be utilized there, again, the taxpayers have already paid for this fantastic technology, and I think it has application for homeland security as well.

So I would just throw that out in regards to a Stryker brigade or other beefing up of military along the Southern border to either Chief Fisher or Major General Salazar, if either one of you would like to comment on your thoughts on that.



Mr. FISHER. Chairwoman, thank you very much. I will go first, and the general, if he chooses to respond as well.

We have been working with Department of Defense for the last 20 years or so both in terms of the counter drug missions under Title 10, Title 32, and we continue to work with the Department of Defense, and through our primary point of entry is NORTHCOM.

We identify to NORTHCOM by way of Joint Task Force North in El Paso, Texas, our operational requirements on a yearly basis. Matter of fact, we are just starting to do that on a quarterly basis now so that we can have a lot more mobile and flexible deployments on that. So we welcome any continued opportunity to work with the Department of Defense under a border security mission.

Mrs. MILLER. General, again, I am not sure whether or not Guardsmen and women have had the opportunity to train on a Stryker brigade, but if you are familiar with the Stryker, I mean, I think it has application for a homeland security type of mission because of the ability for it to run on just regular roads—and everything else. I think it just has that type of application, but your comments on that.

Major General SALAZAR. Yes, ma'am. Excuse me.

I guess, just to be honest, it would have to come down to: Do we feel that using a Stryker brigade would be a demonstrated use of force? Is that going to have an impact? Because when you talk about specifically capabilities of what we can provide to law enforcement, we could provide the same type of observation and reconnaissance with a much smaller package like the entry identification teams that we are doing now.

A Stryker brigade, in my opinion, would probably be a little bit too much, unless the use of force is the objective, which I wouldn't be able to analyze or provide any kind of input if that is really an effective use of a Stryker brigade.

Mrs. MILLER. I appreciate that. I think you can see from the questions of our committee here that there is great consternation about the runoff—and the runout in June of the National Guard along the border. So I am sure we are going to be talking amongst ourselves about that.

Major General SALAZAR. Yes, ma'am. If we are talking fiscal responsibility here, and so we can, in my personal opinion and from experience in Arizona, you would get a lot more bang for the buck using the funds to enhance entry identification team type support as opposed to the huge cost of bringing in a Stryker brigade.

Mrs. MILLER. I appreciate that.

General Kostelnik, in regards to the UAVs, and I think you have answered most of my questions, but I was wondering a bit about the UAVs around the Northern border in regards to the type of drones that you are using there, et cetera.

Is there any problem with weatherization on those drones? It might be a simple question, but I wonder about that sometimes. Do you have de-icing? Do you run into any particular weather problems with the type of equipment that you are using there?

General KOSTELNIK. Well, you may recall that last year—I mean, a couple of years ago, we actually put the Predator for the first time into the climatic lab down at Eglin Air Force Base, first time

any of the family series had ever been there. To their credit, the Army put in a Warrior at the same time, so we actually understand a fair amount about the aircraft.

It does not have a de-icing system. Most aircraft don't. Most manned aircraft have anti-icing systems, but there are many scenarios where manned aircraft have trouble in icing, so you fly out of it. The Predator is very much the same.

We have been up now operational for, I think, 3 years in North Dakota. There are days, clearly, in certain forecasts when we can't fly. It is not a panacea. It is limited, but there are the same limitations on manned aircraft. But most of the time icing is not an issue. I mean, we can fly clearly in winter weather. Those aircraft have flown in 28-degree weather routinely, but they have the same limitations as manned aircraft do.

Mrs. MILLER. General, you also mentioned about the CAOs. I would just mention to you in addition to Homeland Security, I also sit on the Transportation and Infrastructure Committee, and our committee has just passed out the reauthorization for the FAA, which the House will be taking up, I think, next week—excuse me, in 2 weeks.

But at any rate, one that we put in there is a plan to expedite, actually, the CAOs for various agencies and try to develop a plan quicker because of some of the problems that we are well aware of that you are facing. Again, I understand the agency, FAA, and their mission may be different than ours, but we are all Americans first and foremost, and we need to be integrating some of these areas.

I will just mention the Detroit sector in particular. At Selfridge Air National Guard Base, we thought in 2010 that we were going to get a ground mission for UAVs, and I don't know where that is now. In the Detroit metropolitan area, because of the size of that hub, they are talking about moving it—the ground mission—somewhere else, because the FAA won't give you the CAO on that, so if you have any comment on that.

General KOSTELNIK. Well, I mean, flight of the National airspace and the COAs are really all about, you know, managing risk. The system you fly has a lot to do with it, and that is why we chose the Predator B. It is the safest of all of the UAVs out there. You know, we lost our first aircraft back in 2006, but we have had really no major accidents since then. All of our aircraft are, you know, kind of operational.

But when you get into the metro areas, where there is a lot of commercial traffic, you know, that is where the FAA is most concerned. They like to have more studies. They like to have more information. They are very careful of who they authorize to fly in the National airspace, because there is such a wide variety of risk associated with the aircraft, a very small handheld UAV like model airplanes all the way up to the Global Hawk and everything, you know, kind of in-between.

But I think we have given as a matter of National security the FAA, you know, the best model, the best platform and the best mission requirements pool, you know to further the policy of what aircraft should be allowed to fly. I think, quite frankly, we have made a lot of progress.

With the brackets that we have had in upstate New York and the experience we have had in North Dakota and the progress we have made out west, I believe the Great Lakes, you know, is going to come.

But we are still growing pilots. We don't have enough pilots for the aircraft we currently have. There is clearly a lot of significant focus going on in the Southwest border, and we have a lot of National contingency response. So I think is going to come, but it is still going to take some time.

As far as the ground controls, you know, it is just a matter of getting the GCSs. While it is easier to get the aircraft on contract, it is much more problematic to get the ground control stations as fast as we get the aircraft.

So although we are funded for added ground control stations as well as Predators this next year, we will get the two Predators that this committee helped us get delivered this calendar year, one in October and one in December, but we won't get the GCS for another year after that. So that kind of delays where and when we can fly things on the ground.

Mrs. MILLER. Thank you.

My last question—I am giving myself a little bit of extra time here—and I do have to mention about the Operational Integration Center, which is at the Great Lakes branch of the Northern border wing there. We are very excited to have that grand opening next week.

I have had an opportunity to tour that facility several times as it has been under construction, and just as recently as several weeks ago. I think it is going to be a critical component, an excellent component of a complete total force concept along the Northern and the Southern border. Certainly it is a pilot there, but it could be utilized at either border.

One of the things that we learned from 9/11 and the 9/11 Commission recommendation, which in my office I keep telling my staff this is not shelfware. We need to look at this often and remind ourselves that some of their key recommendations was, again, how we had to move from the need to know to the need to share.

The Operational Integration Center, just for the committee to understand, is again, essentially all of the various stakeholders in that sector, including our counterparts, our Canadian counterparts, State police, local first responders, Air and Marine, the Customs and Border Patrol, the Coast Guard—I am sure I am missing a few, but everybody who has a stake in the entire thing—and then analyzing all of this data properly.

To the very best of our ability, again, so that you put something—there is no second for information, good information, in all of your businesses, good information and intel—and getting that information out into the hands, ultimately, of the men and women who are on the front lines so that they can utilize that kind of information to be so much more effective.

So I am very, very enthusiastic about the OIC. I don't know if you have any comment about—either of you—how you might see that unfolding.

Mr. FISHER. Yes, we do share your enthusiasm, Congresswoman, and look forward to the implementation and getting that information used for operational effectiveness. Thank you.

Mrs. MILLER. Mr. Borkowski.

Mr. BORKOWSKI. Just to add to that, we are very excited about it for several reasons. One of them is that that Operational Integration Center was designed with the unique nature of the Northern border in mind. It is also true that we expect to gain some lessons for the rest of the border, but as Chief Fisher and General Kostelnik have indicated, a lot of the effectiveness on the Northern border is based on that sharing.

The second thing I would point out is that the way we designed and developed the Operational Integration Center represented a change from how we designed, say, *SBI*net and some of our past history, as did the deployment of the RVSS. It was a much more structured acquisition process. It was a much more detailed relationship with our operational users. The result was to produce something with a lot less problems than we had with the *SBI*net.

I don't want to—so there is something learned there about how to buy things, that I don't want to pretend that our processes are all mature, because they are not. Many of our processes are still very rudimentary—even our analysis of alternatives, sound but rudimentary compared to DOD.

But I think what you are seeing with the OIC and with some of the other things that we have started to build processes for is the effectiveness of those processes. I don't want to say we are all the way there, but we are starting to show the results of some of that discipline.

Mrs. MILLER. Thank you very much.

At this time I recognize the Ranking Member, Mr. Cuellar.

Mr. CUELLAR. Thank you, Madam Chairwoman.

Chief Fisher, the new CR, H. Res. 48 that I believe we are going to vote on this afternoon, will cut \$107 million for construction of Border Patrol facilities. These funds were for replacements of existing Border Patrol facilities in four States, including Texas, Washington, Maine, and New York.

I believe the ones in Texas—one of them was in Freer. I don't represent that area, but I just passed it just about 2 days ago on Sunday, so I am very familiar with that station. If there was any need shown to upgrade these facilities, why weren't these projects moved up forward last year? If it was so important, why are we letting go of this money?

Mr. FISHER. Congressman, I will tell you as we look at all facilities within the Border Patrol and our deployments, we take a look at interior stations, for instance, and we look at deployments, if we are going to be increasing staffing or attriting down staffing in different locations.

All of that was taken into consideration when we make the recommendations on which Border Patrol stations or facilities—some cases, if we are going to be doing co-location, it would just make sense to do that as opposed to continuing building, either adding to pre-existing facilities or adding new facilities. That is all the process that we went into to make our recommendations to the department.

Mr. CUELLAR. Again, I speak of Freer, because I am familiar with that, and I don't know if you would like to work there, but I am sure the men and women that work there would like to have a better place. If you are in a small rural area, I think the folks in a small rural area would appreciate a better place.

So when did this change from a priority to a non-priority so you can let go of this unobligated \$107 million that we are going to be voting on this afternoon to cut?

Mr. FISHER. Well, the specific time on the priority, Congressman, I would have to get back to you on that. But I do share your interest. Certainly, the men and women of the United States Border Patrol require adequate facilities, because we are asking them, you know, quite honestly, to protect this country. We are focused on that as well.

Mr. CUELLAR. Can you put that in writing and again share it to all the committee?

Mr. FISHER. Yes, sir.

Mr. CUELLAR. Second thing is let us talk about administrative costs at Border Patrol headquarters. How many agents do you have at headquarters?

Mr. FISHER. Approximately 230.

Mr. CUELLAR. Okay. Can you afford, without affecting your mission they are at headquarters, to move some of those to the border, where there has been an emergency declared?

Mr. FISHER. We have in some instances, Congressman, yes.

Mr. CUELLAR. Could you put it down in writing? Well, let me ask you this: How many do you think you can afford leaving from headquarters and allow them to go down to the border?

It is like in the State, when I was in the State government, there was always a concern about the superintendent's office having this overhead, administrative costs, putting more for the teachers in the classroom. This is the same type of logic that I am using. How many folks can you let go from headquarters and send them back to the border, where they can provide security at the border?

Mr. FISHER. We will provide you that report, sir.

Mr. CUELLAR. Okay. Do you have any idea right now?

Mr. FISHER. I do not.

Mr. CUELLAR. Okay. Could you let go of some?

Mr. FISHER. I beg your pardon?

Mr. CUELLAR. Could you move some to the border?

Mr. FISHER. I don't know at this point.

Mr. CUELLAR. Okay. As the chief of the Border Patrol, I have asked you several questions today, and you have not been able to answer at least three of them.

Mr. FISHER. Well, Congressman, I will tell you specifically when—you know, with 230 Border Patrol agents in our headquarters, that was an increase from 34 as we were transitioning to the Department of Homeland Security.

One I receive requests from the field in terms of increased staffing levels, there is a whole host of things that are taken into consideration, and I have got a very competent staff that informs me on their judgment on what the impacts are going to be whenever you moved any Border Patrol agent. I expect that will be the process of this case as well.

Mr. CUELLAR. Okay. Will you specifically let us know if you can move any of your Border Patrol agents who are at headquarters, without affecting the mission there, down to the border, where I believe they were—where they were supposed to have been going to?

Let me ask you this: Under the supplemental bill that you don't have the answer as to how many you have hired so far, is there any intention to have any of those people go up to headquarters?

Mr. FISHER. Not at this point, sir.

Mr. CUELLAR. Not at this point.

Mr. FISHER. Not to increase our authorized levels of headquarters.

Mr. CUELLAR. Okay. Again, if you can put that in writing and share with the subcommittee.

This is a general question. According to a recent GAO report, CBP had, I believe it was \$639.4 million, Mr. Stana, on our obligated balance, and it is a customs user fee account as a result of excess collections from the temporary fee increase and elimination of North America Free Trade Agreement country exemption from January 1, 1944 to September 30, 1997.

I think GAO first identified these unused funds in 2008. Bottom line is we got \$639 million there in a bank account. Is that correct, Mr. Stana?

Mr. STANA. Yes, that is my understanding.

Mr. CUELLAR. Okay.

Gentleman, if you had \$639 million sitting in an account, why have we not moved it? I can understand probably the answers will be, well, are we authorized to use this money or not? If not, has any brought that to our attention? I am sure that Chairman Miller, myself could find a lot of ways to use this money to help borders both at the Northern or at the Southern border.

Mr. Kostelnik, we would be happy to get you more UAVs. I am a big supporter, and I like the job that you are doing.

Same thing, Mr. Borkowski.

I am just saying is there a way that we can move this money? Because if you talk to border sheriffs, they will say, "Hey, we will take a share of this." If we talked to Homeland, instead of giving money back, we would love to take that. What can we do to help you, in other words, to get this \$639 million unobligated balance, if it is still there?

Mr. BORKOWSKI. Congressman Cuellar, we can give you much more detail, but we do have some legislative proposals about how to use those fees. In the past there have been times where we have been able to move some of that, but it is important to understand that in large measure those funds from our officers, we have to project the cost of those officers, we have to project the cash flow. Right now we are looking at a deficit, not a surplus.

So we will give you the detail, but in the past when we have had surpluses that we thought would be continuing surpluses, we have sometimes been able to move those funds to other purposes. Right now we are very concerned about paying the salaries of our existing officers. We will get you some more detail on that.

Mr. CUELLAR. Yes, I have got to close, but can you just get us and work with Mr. Stana as to—they are unobligated \$639 million.

Give us some suggestions how we can help you, at least the one-time purchases like equipment?

Thank you very much, Madam Chairwoman.

Mrs. MILLER. Thank you very much.

Any last questions?

We will go to the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. Thank you, Madam Chairwoman.

Just a follow up, General. Out of the 10,000 new Border Patrol agents and 20,770 plus or minus agents, how many of those are involved in the UAV program? This is a follow-up to our question earlier, General.

General KOSTELNIK. Well, it is a complex answer. I mean, we have only hired, you know, dedicated 24 new UAV pilots. During this same time period of that growth, our total pilot force has increased from a force of about 535 in 2005 to a force of about 850 today.

What we do is we are dual qualifying our pilots who fly manned aircraft to also fly the unmanned. It reduces risk on the unmanned side. It is more of a popular mission, because flying UAVs isn't a popular mission for most of the pilots. They would rather fly really aircraft.

So actually we have probably about 60 pilots either dedicated or dual qualified that are flying in some part of our mission, and it is still not enough. We are growing more. We are training pilots not only for the up and away flying with the launch and recovery as we speak.

It is the biggest shortfall in all of the UAV community. Not only us, but Department of Defense has the same issue. There are not enough pilots actually to fly the airborne equipment that we have.

Mr. DUNCAN. Well, that segues into including staff and maintenance cost. What is the cost per flight hour for the UAV versus the Custom Border Protection's manned aviation assets?

General KOSTELNIK. Well, you know, that is a good question. Again, it is complex in how you put it, but I asked our head budget guys, because I thought I would probably get that question today, because it is kind of the assent that they are expensive. The reality is while not, you know, cheap, they are not really expensive compared to the manned thing.

So in the newest aircraft we have the Guardian, which is a Predator with a sea view radar. It does a comparable mission to our P-3s. So a P-3, for example, with a nine-man crew, that is the aircraft that if you bought it new today, it would probably cost you about \$80 million. It costs us around \$7,000 per flight hour to fly that aircraft.

The Predator, you know, costs us about \$20 million total for the total system—actually about \$18 million, aircraft, satellite time, the ground control station, everything you need, and it costs us a little over \$3,000 to about \$3,500 an hour to operate the Predator.

Now, if you looked at an aircraft in between, like the MEA, which is a King Air light twin engine aircraft with similar capability, that aircraft costs about \$20 million. In fact, we have five of them up in Hagerstown, Maryland. We get the first multi-role enforcement aircraft this summer. It costs us about \$20 million for the aircraft. It is a similar mission as the Predator, only it is

manned, but it can only fly about 6 hours. It costs us just about the same, about \$4,000 an hour to operate.

So the operational costs are really about the same. Of course, getting to your point earlier about the flight time, it is a very important piece of aviation, because the bulk of the cost, if you look at the whole cost, not just the flying our cost, but the whole operational cost for a system, it is heavily driven by the launch and recovery pieces. That is where you burn up tires, you know, you expend your extra fuel in the high speed.

So much of the cost to operate an aircraft, that actually is in the launch and recover phase. So oddly enough, the longer you can fly an aircraft, the more cost-effective it is going to be. So if we had the pilots, we would certainly be flying our Predators for 20 hours they are capable of, and we would get a much better full loaded operational cost of the system.

Mr. DUNCAN. We have got some airframes that are, you know, 20 years old. I mean, you get a lot of—you spread that cost out over a lot of years on a regular aircraft. Is that similar in a UAV? I mean, technology is changing. Are you going to be able to get the 20 years out of an airframe UAV?

General KOSTELNIK. Well, you know, it is actually you have to go back to the history, because originally back in 1994 these were kind of conceived as high-risk throwaway items in a combat zone. The original Predators cost about \$2 million apiece and were considered, you know, you would lose a lot of them in combat.

Today the Guardian and the Predators are much more sophisticated, but they are still plastic airplanes. They are still built with unique and novel technologies that are fairly easy to repair. Over the last 5 years, launch and recover, and particularly landing, has been a problem not only for us, but all of the services. We have had several landing incidents, where the aircraft, or piece of it, was damaged.

For very small amounts of money, we have been back, because it is basically a plastic aircraft and a fairly simple engine to go back and make repair on all those aircraft. There is not a lot of data on the long-term service life of Predators, because they were never intended for that.

But now as the services, the big services and the DOD, have procured more of these and are going to procure even more over a long period of time, there will come a time when service life becomes an issue. But because of the composites these aircraft are designed to, replacing wings, replacing tails, they are going to be much easier and much cheaper to accomplish than the classic, you know, metal type aircraft.

So I think the story in the long run is going to be a good one just because of the construction technique. The reality is the strength and the long-term viability of these things are going to be driven by the sensors that you carry. So we are not only flying the sensors that the DOD is, but we are looking at new technologies for radiation sensors, for supporting groups on the ground with systems like beta, which will help detect moving things. I think these aircraft are going to be around for a long time.

Of course, in our manned aircraft fleet, we have aircraft still in service today that are approaching 40 years old. So if you keep



them safe and modernize them, they will still be the best value for the service.

Mr. DUNCAN. I appreciate that. We are spending a lot of money on technology and other things, and I think a lot of times simpler is better. I keep going back to what the folks in South Carolina think we should do, and that is concrete still and barbed wire, and maybe think of a simple approach.

Thank you, Madam Chairwoman for the leniency.

Mrs. MILLER. Thank you very much.

Again, I want to thank all of the witnesses. I think this has been an excellent hearing. We certainly have had, I think, very good questions on both sides and excellent answers as well. I just appreciate all of your service to the Nation. Certainly as you represent the men and women in Customs and Border Protection and Air and Marine and National Guard, GAO as well, we thank you so very, very much for all of you appearing here today.

The hearing record will be held open for 10 days. If any committee Members have any additional questions that they would like to ask, we will try to get them responded to as well.

Without objection, this subcommittee stands adjourned.

[Whereupon, at 12:12 p.m., the subcommittee was adjourned.]

